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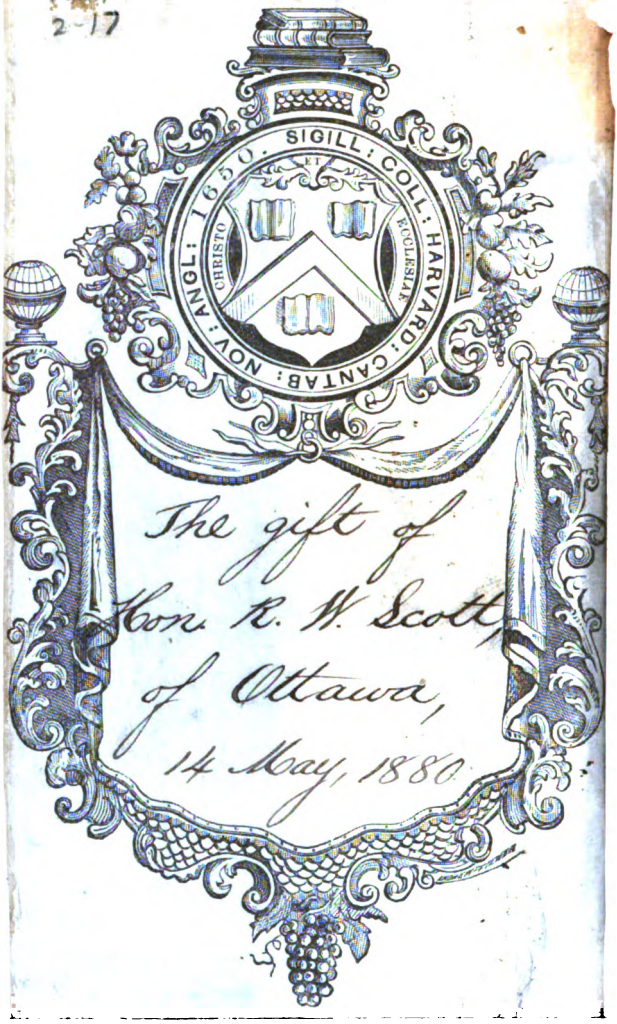

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STATUTES

Passed at Quebec with 1860 volume

OF THE

PROVINCE OF CANADA

PASSED IN THE

TWENTY-SECOND YEAR OF THE REIGN OF HER MAJESTY

QUEEN VICTORIA

AND IN THE SECOND SESSION OF THE SIXTH PARLIAMENT OF CANADA.

Begun and holden at Toronto on the Twenty-Ninth of January, in the year of Our Lord One Thousand Eight Hundred and Fifty-Nine.

HIS EXCELLENCY

THE RIGHT HONORABLE SIR EDMUND WALKER HEAD, BARONET,

GOVERNOR GENERAL.

TORONTO:
PRINTED BY STEWART DERBISHIRE AND GEORGE DESBARATS,
LAW PRINTER TO THE QUEEN'S MOST EXCELLENT MAJESTY.

Anno Domini, 1859.

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1880, May 14.
Gift of
Hon. R. W. Scott.
(1859, 1860, 1862-1877.)

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ANNO VICESIMO-SECUNDO

VICTORIÆ REGINÆ.

CAP. I.

An Act respecting the Provincial Debt guaranteed by the Imperial Government.

[*Assented to 26th March*, 1859.]

Preamble.

WHEREAS Her Majesty's Government in England have consented to the reduction hereinafter mentioned on the yearly rate of the payments to the Sinking Fund for paying off the Provincial debt of one million five hundred thousand pounds sterling, guaranteed by the Government of the United Kingdom under the provisions of the Act of the Parliament thereof passed in the session held in the fifth and sixth years of Her Majesty's Reign, and intituled, *An Act for guaranteeing the payment of the interest on a Loan of one million five hundred thousand pounds to be raised by the Province of Canada*, and have agreed to certain other arrangements with respect to the said loan advantageous to this Province, to which it is desirable to give the sanction of the Provincial Legislature: Therefore, Her Majesty, by and with the advice and consent of the Legislative Council and Assembly of Canada, enacts as follows:

Amount payable yearly to the Sinking Fund under 10, 11 V. c. 2, reduced.

1. Notwithstanding any thing to the contrary in the Act of the Legislature of this Province, passed in the session held in the tenth and eleventh years of Her Majesty's Reign, and intituled, *An Act to facilitate the issue of Debentures, and for other purposes therein mentioned*, or in any other Provincial Act, the sum to be set apart by the Governor in Council out of the Consolidated Revenue Fund of this Province, yearly and in every year until the whole amount of the said debt shall be paid off, and to be applied as a Sinking Fund for paying off the said debt, shall be such sum as will be equal to two per centum on the amount of the said debt, instead of four per centum on the said amount as provided by the said Act, the other provisions whereof shall apply to such reduced percentage as they have heretofore applied to the said rate of four per cent.

 2.

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Premium received on guaranteed Debentures renewed, to go to Sinking Fund.

2. If upon any of the Debentures forming part of the said debt which may hereafter be renewed with the guarantee of the Imperial Government, for such term as may be necessary for their redemption by the operation of the said Sinking Fund as modified by this Act, any premium shall be received by this Province by reason of such renewal, such premium shall be paid into the said Sinking Fund.

A higher rate may be agreed on and paid as the debt is reduced.

3. Provided always, that as the said debt is from time to time reduced by the redemption of Debentures forming part thereof, the Governor in Council may agree with the Lords Commissioners of Her Majesty's Treasury for the payment into the said Sinking Fund of such increased percentage on the portion of the said debt then unpaid, as will, after allowing for such renewal as aforesaid, ensure the sufficiency of the said Sinking Fund to pay off the said debt when due; and such increased percentage shall be paid accordingly out of the Consolidated Revenue Fund of this Province.

CAP. II.

An Act to amend the Act relating to Duties of Customs.

[*Assented to 26th March*, 1859.]

Preamble.

WHEREAS it is expedient to amend the Tariff of Customs Duties now in force, in the manner hereinafter mentioned: Therefore, Her Majesty, by and with the advice and consent of the Legislative Council and Assembly of Canada, enacts as follows:

Schedule of duties under 22 V. c. 76, repealed.

1. The Schedule to the Act passed in the twenty-second year of Her Majesty's Reign, Chapter Seventy-six, intituled, *An Act to amend the Law relative to Duties of Customs and of Excise, and to impose new duties; and a duty on Tavern-keepers*, containing the Table of Duties of Customs inwards, the Table of Exemptions and the Table of Prohibitions, shall be repealed upon, from and after the day of the passing of this Act,—Except so much of the said Schedule as imposes or relates to the Duties on Sugar of any kind, or Molasses, which shall remain in force until the First day of June, One thousand eight hundred and fifty-nine, and shall be repealed on that day,—when the duties imposed on the said articles by the Schedule to this Act shall be levied,—And except also, so much of the said Schedule as imposes or relates to the Duties on Green Coffee and Tea, which shall remain in force until the First day of January, One thousand eight hundred and sixty, and shall be repealed on that day, when the duties imposed on the said articles by this Act shall be levied.

Except those on Sugar, until 1st June, 1859.

And those on Tea, until 1st January, 1860.

2.

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2. Subject to the exceptions in the next preceding section,—In lieu and instead of the Duties of Customs imposed by the Schedule and Act first above mentioned, and of all other Duties of Customs upon goods, wares and merchandize imported into this Province, there shall be raised, levied, collected and paid unto Her Majesty, Her Heirs and Successors, upon goods, wares and merchandize imported into this Province, or taken out of warehouse for consumption therein,—the several Duties of Customs respectively described inserted and set forth in the Schedule to this Act annexed, intituled: *Table of Duties of Customs inwards*;—and the articles enumerated or mentioned in the Table in the said Schedule, intituled, *Table of Free Goods*, may be imported or taken out of warehouse without payment of any Duty of Customs under this Act :—And the articles enumerated or mentioned in the Table in the said Schedule, intituled, *Table of Prohibitions*, shall not be imported into this Province, under the penalty therein mentioned, and if imported, shall be forfeited and forthwith destroyed :

Duties in the Schedule to this Act to be levied hereafter—except as aforesaid.

Free Goods.

Prohibitions.

But this Act shall not affect the *Copyright Act*, thirteenth and fourteenth Victoria, Chapter six,—or any duty imposed under it.

13, 14 V. c. 6, not to be affected.

3. And in amendment of the eighth section of the Act above mentioned, it is enacted, That the articles upon which, and the cases in which, any drawback shall be payable under the said Section, shall be those only upon and in which the Governor in Council shall, by the Regulations to be from time to time made, declare such drawback to be payable.

Sect. 8 of 22 V c. 76, amended.

4. The foregoing provisions of this Act shall be construed as forming one law with the Act passed in the session held in the tenth and eleventh years of Her Majesty's reign, chaptered thirty-one, and intituled, *An Act for repealing and consolidating the present Duties of Customs in this province, and for other purposes therein mentioned*, and the Acts amending the same, in so far as they are in force and consistent with this Act; And all words and expressions used in this Act shall have the meaning assigned to them in the said Acts, and all the provisions of the said Acts with regard to the duties imposed by them, or the regulations to be made under them, shall apply to the duties imposed by this Act and the regulations to be made under it, except in so far as they may be inconsistent with this Act.

Provisions of 10, 11 V. c. 31, and the Acts amending it to apply.

And so of interpretation of words.

SCHEDULE.

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SCHEDULE.

TABLE OF DUTIES OF CUSTOMS INWARDS.

The following Goods shall be chargeable with duty according to the value thereof, at the Rates hereinafter mentioned:	Duty per cent *ad valorem*.
GOODS PAYING ONE HUNDRED PER CENT:	
Brandy; Gin; Cordials; Rum; Spirits and Strong Waters, including Spirits of Wine, and Alcohol, not being Whiskey;	100 p. ct.
GOODS PAYING FORTY PER CENT FROM 1ST JUNE, 1859, TO 30TH JUNE, 1860, BOTH DAYS INCLUSIVE,—	
" THIRTY-FIVE PER CENT FROM 1ST JULY, 1860, TO 30TH JUNE, 1861, BOTH DAYS INCLUSIVE,—	
" TWENTY-FIVE PER CENT FROM 1ST JULY, 1861, TO 30TH JUNE, 1862, BOTH DAYS INCLUSIVE,—	
" FIFTEEN PER CENT UPON, FROM AND AFTER THE 1ST JULY; 1862,—	
The present duties remain in force until the end of May, 1859. — Sugar, refined, whether in loaves or lumps, candied, crushed, or in any other form; White Bastard Sugar or other Sugar equal to refined in quality;	40 per ct. 35 " 25 " 15 "
GOODS PAYING FORTY PER CENT:	
Cigars;	40 per ct.
GOODS PAYING THIRTY PER CENT FROM 1ST JUNE, 1859, TO 30TH JUNE, 1860, BOTH DAYS INCLUSIVE,—	
" TWENTY-FIVE PER CENT FROM 1ST JULY, 1860, TO 30TH JUNE, 1861, BOTH DAYS INCLUSIVE,—	
" FIFTEEN PER CENT FROM 1ST JULY, 1861, TO 30TH JUNE, 1862, BOTH DAYS INCLUSIVE,—	

GOODS

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		Duty per cent *ad valorem.*
GOODS PAYING TEN PER CENT UPON, FROM AND AFTER THE 1ST JULY, 1862 :		
The present duties remain in force until the end of May, 1859.	Sugar,—being neither refined, nor White Bastard, nor other Sugar equal to refined in quality ;	30 per ct.
	Molasses ;	25 "
		15 "
		10 "
GOODS PAYING FIFTEEN PER CENT FROM 1ST JANUARY, 1860, TO 31ST DECEMBER, 1861, BOTH DAYS INCLUSIVE ;		
"	**TEN PER CENT FROM 1ST JANUARY, 1862, TO 31ST DECEMBER, 1862, BOTH DAYS INCLUSIVE,—**	
"	**FIVE PER CENT UPON, FROM AND AFTER THE 1ST JANUARY, 1863.**	
The present duties remain in force until the end of the year 1859.	Coffee, green ;	15 per ct.
	Tea ;	10 "
		5 "
GOODS PAYING THIRTY PER CENT :		
Almonds, Walnuts and Filberts ;		30 per ct.
Ginger, Pimento and Pepper, ground ;		
Mace, Nutmegs and Cinnamon ;		
Nuts of all kinds ;		
Patent Medicines and Medicinal Preparations, not elsewhere specified ;		
Spices, ground ;		
Snuff ;		
Wine of all kinds ;		
Currants ;		
Dried Fruit ;		
Figs ;		
Coffee, ground or roasted ;		
Blacking ;		
Tobacco, manufactured ;		
Soap ;		
Starch ;		
Ale, Beer and Porter ;		

GOODS

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	Duty per cent *ad valorem.*
GOODS PAYING TWENTY-FIVE PER CENT:	
Manufactures of Leather, viz:	—
Boots and Shoes;	25 per ct.
Harness and Saddlery;	
Clothing or wearing apparel made by hand or sewing machine;	
GOODS PAYING FIFTEEN PER CENT:	
Book, Map and News-printing Paper;	15 per cent.
GOODS PAYING TEN PER CENT:	
Anchors 6 cwt. and under;	10 per ct.
Books, printed; periodicals and pamphlets not being reprints of British Copyrights, nor Blank Account Books, or Copy Books, or Books to be written or drawn upon; and excepting also Bibles, Testaments, Prayer Books, and Devotional Books;	
Brass in bars, rods and sheets;	
Brass or Copper Wire and Wire Cloth;	
Cameos and Mosaics, real or imitation, when set in gold, silver and other metal;	
Canada Plates, Tinned Plates, Galvanized Iron and Sheet Iron;	
Copper, in bars, rods, bolts or sheets;	
Silk Twist for hats, boots and shoes;	
Iron—Bar, Rod or Hoop;	
" Nail and Spike Rod;	
" Hoop or Tire for driving wheels of locomotives, bent and welded;	
" Boiler Plate;	
" Railroad Bars, Wrought Iron Chairs and Spikes;	
" Rolled Plate;	
" Wire;	
Jewellery and Watches;	
Lead in sheet;	
Maps, Charts and Atlases;	
Sails, ready made;	
Spirits of Turpentine;	
Steel, wrought or cast;	
Cotton Candle Wick, Cotton Yarn and Cotton Warp;	
White Lead, dry;	
Plaster of Paris ground and calcined;	
Hydraulic Cement ground and calcined;	
Red Lead;	
Litharge;	
Phosphorus;	
Medicinal Roots;	
Drain Tiles for agricultural purposes;	
Engravings and Prints;	

Straw,

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Straw, Tuscan and Grass fancy Plaits ; Tin, granulated or bar ; Tubes and Piping, of copper, brass or iron, when drawn ; Zinc or Spelter, in sheet ; Locomotive and Engine Frames, cranks, crank axles, railway car and locomotive axles, piston rods, guide and slide bars, crank pins, connecting rods, steamboat and mill shafts and cranks forged in the rough ;	Duty per cent *ad valorem.* — 10 per ct.
GOODS PAYING TWENTY PER CENT :	
All articles not hereinbefore enumerated as charged with an ad valorem duty, or hereinafter charged with a Specific duty or declared free of duty, shall be chargeable with a duty of twenty per cent, on the value thereof ;	20 per ct.
GOODS PAYING SPECIFIC DUTIES :	Duty.
Whiskey of any strength not exceeding the strength of proof by Syke's hydrometer, shall be chargeable with a Duty of eighteen cents per gallon, and so in proportion for any greater strength or less quantity than a gallon ;	— $0.18 cts.
TABLE OF FREE GOODS.	
Acids, of every description, except Vinegar ; Agricultural societies,—seeds of all kinds, farming utensils and implements of husbandry, when specially imported by, for the encouragement of agriculture ; Alum ; Anatomical preparations ; Anchors, over 6 cwt, Animals of all kinds ; Antimony ; Antiquities, collections of ; Apparel, wearing, and other personal effects, and implements of husbandry, (not merchandise) in actual use of persons coming to settle in the province and accompanying the owner ; Apparel, wearing, of British subjects dying abroad ; Argol ; Arms for the Army or Navy and Indian nations, provided the duty otherwise payable thereon would be paid or borne by the Treasury of the United Kingdom, or of the Province ; Ash, Pot, Pearl and Soda ; Bark, Tanners' ; Bark, used solely in dyeing ; Barley, except Pot and Pearl ; Barley Meal ; Beans ; Bean Meal ; Bear and Bigg ; Bear and Bigg Meal ; Berries, used solely in dyeing ; Bibles, Testaments, Prayer Books, and Devotional Books ;	Free
	Bleaching

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Bleaching Powder ; Bolting Cloths ; Borax ; Bookbinders' Tools and implements ; Books, Maps and Charts, imported not as Merchandise but as the personal Effects of persons arriving in Canada to become *bonâ fide* residents of the Province ; Bottles containing Wine, spirituous or fermented Liquors of Officers' Mess ; Brandy imported for do Bran and Shorts ; Brimstone ; Bristles ; Broom Corn ; Buckwheat ; Buckwheat Meal ; Bulbs and Roots other than Medicinal ; Bullion ; Burrstones, wrought or unwrought, but not bound up into Mill-stones ; Butter ; Coin and Bullion ; Cabinets of Coins ; Cables, Iron chain over ¾ of an inch diameter ; " Hemp ; " Grass ; Carriages of Travellers, and carriages employed in carrying Merchandise (Hawkers and Circus Troupes excepted) ; Casks, Ships' water, in use ; Caoutchouc or Indian Rubber, and Gutta Percha, unmanufactured ; Cement, Marine or hydraulic, unground ; Charitable Societies—donations of clothing for gratuitous distribution by ; Cheese ; Clothing for Army or Navy or Indian Nations or for gratuitous distribution by any charitable Society ; Coal ; Cochineal ; Coke ; Commissariat Stores ; Copperas ; Corkwood or the bark of the Corkwood tree ; Corn, Indian ; Cotton and Flax waste ; Cotton Wool ; Cream of Tartar in crystals ; Diamonds and Precious Stones ; Drugs used solely in dyeing ; Dye stuffs, viz: Bark, Berries, Drugs, Nuts, Vegetables, Woods and extract of Logwood ;	Free.

Earths,

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Earths, Clays and Ochres, dry;	Free.
Eggs;	
Emery;	
Emery, Glass, and Sand Paper;	
Felt hat bodies and Hat Felt;	
Fire brick;	
Firewood;	
Fish;	
Do Oil, in its crude or natural state;	
Do products of, unmanufactured;	
Fishing Nets and Seines;	
Fish Hooks, Lines and Fish Twines;	
Flax Hemp and Tow, undressed;	
Flour;	
Fruits, Green;	
Fruits, dried, the growth of the United States only, while the Reciprocity Treaty is in force;	
Furs, Skins, Pelts or Tails undressed, when imported directly from the United Kingdom or British North American Provinces or from the United States, while the Reciprocity Treaty is in force;	
Gems and Medals;	
Gold Beaters' Brim Moulds and Skins;	
Gravels;	
Grains—Barley and Rye;	
Beans and Peas;	
Bear and Bigg;	
Bran and Shorts;	
Buckwheat;	
Indian Corn;	
Oats;	
Wheat;	
Meal of above Grains;	
Grindstones, wrought or unwrought;	
Gums and Rosins, in a crude state;	
Gypsum or Plaster of Paris, ground or unground, but not calcined;	
Grease and Scraps;	
Hams;	
Hair, Angola, Goat, Thibet, Horse or Mohair, unmanufactured;	
Hemp;	
Hides;	
Horns;	
Household Furniture and Effects that have been in actual use for one month or more, of persons coming to settle in this Province, and in charge of the owner;	
Household Effects, personal, not merchandise, of subjects of Her Majesty domiciled in Canada but dying abroad;	
Indigo;	
Inventions and Improvements in the Arts, Models or patterns of, —provided that no article shall be deemed a model which can be fitted up for use;	

Junk

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Junk and Oakum;	Free
Lard;	
Lime, the produce of British North American Provinces only;	
Machinery, models and patterns of—provided the same be not put to actual use;	
Manilla grass;	
Manures of all kind;	
Marble in blocks or slabs, unpolished;	
Meats, fresh, smoked and salt;	
Menagieries—horses, cattle, carriages and harnesses of—subject to Regulations by the Governor in Council;	
Military Clothing for Her Majesty's Troops or Militia;	
Military Stores and Materials for Military Clothing imported for the use of the Provincial Militia, under such restrictions as may be passed by Governor in Council;	
Mosses and Sea Grass, for Upholstery purposes;	
Musical Instruments for Military Bands;	
Nitre or Saltpetre;	
Oakum;	
Oils—Cocoa Nut, Pine and Palm, in their crude unrectified or natural state;	
Oil Cake or Linseed Cake;	
Ordnance Stores;	
Ores, of all kinds of Metals;	
Osier or Willow, for Basket makers' use;	
Packages of all kinds in which goods are usually imported, except the following, viz: Spirit, Wine, Oil, Beer, Cider, and other casks for the containing of liquid, Baskets of every description, Trunks, Snuff Jars, Earthenware Jars, Glass Jars, Bottles,—and Barrels containing Grain, Seeds and Peas;	
Pig Iron, Pig Lead and Pig Copper;	
Pitch and Tar;	
Philosophical Instruments and Apparatus, Globes;	
Plants, Shrubs and Trees;	
Printing Ink and Printing Presses;	
Provisions for Army or Navy or Indian Nations;	
Rags;	
Resin and Rosin;	
Rice;	
Sail Cloth;	
Sal Soda;	
Sal Ammoniac;	
Salt;	
Seeds, for Agricultural, Horticultural, or Manufacturing purposes, only;	
Ships' Blocks;	
Binnacle Lamps;	
Bunting;	
Canvas, Sail, Nos. 1 to 6.	
Compasses;	
Dead Eyes;	

Dead

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Dead lights; Deck Plugs; Shackles; Sheaves; Signal lamps; Travelling trucks; Cordage which upon importation shall have paid the duty of customs, shall be entitled to draw-back under the 8th Sec, 22 Vict. ch. 76, when applied to ship building purposes, and under such Regulations as the Governor in Council may make. Ships' water casks in use; Silk Hat Felts; Soda Ash; Sago Flour; Specimens of Natural History, Mineralogy or Botany; Stone, unwrought; Slate; Stereotype Blocks, for Printing purposes; Statues, busts and casts, of marble, bronze, alabaster or plaster of Paris, paintings and drawings as works of art, specimens of sculpture, cabinets of coins, medals, gems, and all collections of antiquities; Sulphur or Brimstone; Tin and Zinc or Spelter in block or pig; Tallow; Teasels; Timber and lumber of all kinds, round, hewed, sawed, unmanufactured in whole or in part; Tobacco, unmanufactured; Tools and Implements of Trade of Handicraftsmen arriving in Canada, when accompanied into the Province by the actual settler, and brought in by such settler for his own use, and not for sale; Treenails; Turpentine other than spirits of Turpentine; Type Metal, in blocks or pigs; Varnish, bright and black, for ship builders, other than Copal, Carriage, Shellac, Mastic or Japan; Vegetables, not elsewhere specified; Vehicles of Travellers, except those of Hawkers and Pedlars; Water Lime, unground; Wine, spirits and fermented Liquors of all kinds, imported for Officers' Mess, and the packages containing the same; Wood for hoops when not notched; Woods of all kinds; Wool; All importations for the use of Her Majesty's Army and Navy serving in Canada; or for the public uses of the Province;	Free

TABLE

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TABLE OF PROHIBITIONS.

The following articles are prohibited to be imported under a penalty of fifty pounds, together with the forfeiture of the parcel or package of goods in which the same may be found:	Prohibited.
Books, Drawings, Paintings and prints of an immoral or indecent character;	
Coin, base or counterfeit;	

CAP. III.

An Act to amend and consolidate the several Acts respecting the Public Works.

[*Assented to 26th March*, 1859.]

Preamble.

WHEREAS it is expedient to amend and consolidate the several Acts and parts of Acts now in force concerning the Department of Public Works, and the Works under its management and control: Therefore, Her Majesty, by and with the advice and consent of the Legislative Council and Assembly of Canada, declares and enacts as follows:

Organization of the Department of Public Works.

Commissioner of Public Works.

His powers.

1. For the superintendence and management of the Public Works of this Province, the Governor may appoint a Commissioner who shall be styled Commissioner of Public Works, and who shall have such powers as are vested in him by this Act, and no other.

What shall be deemed acts of the Commissioner.

2. All writings and documents signed and sealed by him or his deputy, and countersigned by the Secretary, and no others, shall be held to be acts of the said Commissioner.

Commissioner not liable to be sued as such.

3. Inasmuch as the Commissioner fulfils all duties and exercises all powers conferred upon him by law as the servant or agent of Her Majesty, and all property acquired by him is acquired for and vested in Her Majesty, and the said Commissioner is not by law clothed with any corporate capacity,—therefore, the said Commissioner cannot and shall not as such Commissioner sue or be sued or impleaded in any Court of Law or Equity in this Province, for any cause whatever.

4.

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4. Whenever it becomes necessary to resort to any legal proceedings before any Court of Law or Equity, for enforcing performance of any contract or obligation made or entered into by any person with the said Commissioner, or for any other purpose connected with the duties and powers conferred upon the said Commissioner, the proceedings shall be instituted in the name of Her Majesty's Attorney General or Solicitor General for that part of the Province in which such proceedings are had, for and in behalf of Her Majesty.

Legal proceedings to be in the name of the Attorney or Solicitor General.

5. Notice of any proceeding under this Act or any former Act, shall be given to the said Commissioner at his Office.

Where notice to the Commissioner may be given.

6. The Governor may appoint a proper person to be Deputy Commissioner of Public Works,—and a proper person to be Secretary for the Department of Public Works,—and may, at his pleasure, remove the said Deputy Commissioner and Secretary or either of them, and appoint others in their stead, or may reinstate those removed ;—and the Governor may appoint all Engineers, Superintendents, and other Officers for the construction, maintenance and repair of public works and buildings.

Deputy Commissioner and Secretary to be appointed.

Deputy and Secretary removable at pleasure.

Governor to appoint Engineers, &c.

7. The Deputy Commissioner shall, as regards the department of Public Works, have the power and duties vested in or assigned to Deputy Heads of Departments by the Act (20 V. c. 24,) "for improving the organization and increasing the efficiency of the Civil Service in Canada," with regard to their respective Departments; and so much of the eighth section of the said Act as makes the Secretary of the Department of Public Works the Deputy Head thereof, is hereby repealed: And the said Deputy Commissioner shall have such further powers and duties as may from time to time be vested in or assigned to him by the Governor in Council.

Powers and duties of Deputy Commissioner.

8. It shall be the duty of the Secretary, under the authority and by the direction of the Commissioner,—to keep separate accounts of the moneys appropriated for and expended on each public work,—to submit the said accounts to be audited in such manner as may be appointed for that purpose by the Governor in Council,—to have charge of all plans, contracts, estimates and documents, models or other things relative to any such work,—to keep regular accounts with each contractor or other person employed by the said Commissioner,—to see that all contracts made with the said Commissioner are properly drawn out, and executed,—to draw all certificates upon which any warrant is to issue,—to prepare all reports to be submitted to the Commissioner,—and to receive and answer, according to the instructions he may receive from the Commissioner, all letters to or from him or other persons on the business of the Department,—to keep minutes of all the proceedings of the Department,—to keep copies of all correspondence, —to have the general superintendence of all other matters and things

Duties of Secretary.

Accounts.

Plans.

Contractors and contracts.

Certificates for warrants.

Reports.

Correspondence.

Minutes of proceedings.

General super-

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intendence and duties.

things which he may be instructed to superintend by the Commissioner,—and generally to do all ministerial acts connected with the business of the Department which the Commissioner directs him to do or which devolves on him by a fair construction of the meaning of this Act in all cases not expressly provided for;

The Governor may cause plans, &c. relative to public works to be placed under the care of the secretary.

2. And the Governor may require any person having in its possession any instruments, plans, papers, books, drawings, models, estimates, or documents relative to any public work and belonging to the province, to deliver the same to the said Secretary, and may also from time to time place in his charge and keeping, for the use of the Commissioner, any instruments, books, drawings, models or documents relative to the objects for which the said Commissioner is appointed and required for the better attainment of the objects of this Act.

Commissioner, Deputy and Secretary to be paid by salary, &c.

9. The said Commissioner, and Deputy Commissioner and Secretary shall receive a yearly salary, and their actual disbursements and travelling expenses, when away from their place of residence on the duties of their offices; but the salary of the Deputy Commissioner shall not exceed four thousand dollars per annum.

Functions of the Department, and works under its management.

Public works in Schedule A, and materials for the same to be vested in Her Majesty, and under the control of the Commissioner, and others may be made so by proclamation.

10. The several Public Works and Buildings enumerated in the Schedule to this Act marked A, and all materials and other things belonging thereto, or prepared and obtained for the use of the same, shall be and continue to be, except such (if any) as have been lawfully transferred to any Municipality, Company or party, vested in Her Majesty, and under the management of the said Commissioner for the purposes of this Act; And the Governor in Council may, from time to time, by Proclamation, declare any other works or buildings constructed at the Public expense, to be Works or Buildings subject to the provisions of this Act, and under the management of the said Commissioner.

Contracts for leases of works or tolls made by the Board of works to enure to Her Majesty.

11. All contracts, agreements or leases for any such work, or for any tolls for the same, entered into by the late Board of Works, or by any Commissioners duly authorized to enter into the same, shall enure to the use of Her Majesty, and may be enforced as if entered into with Her Majesty.

Property acquired for the use of provincial works to be vested in the Crown.

And hydraulic powers.

12. All lands, streams or water courses, and other real property, acquired for the use of such Public Works, shall be vested in Her Majesty, for the purposes of the said works; and when not required for the said works, they may be disposed of under the authority of the Governor in Council, and the proceeds shall be accounted for as public moneys; And all hydraulic powers created by the construction of any public work, or the expenditure

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expenditure of any public moneys thereon, shall be vested in Her Majesty, and any portion thereof not required for the Public Works may be disposed of under the authority of the Governor in Council, by sale or lease, and the proceeds shall be accounted for as public money.

Governor in Council may dispose of such property as may not be required.

13. This Act shall apply to Public Works constructed or completed after it comes into force, or for which appropriation is made after that time, unless it be otherwise provided by law.

This Act to apply to future works.

14. The said Commissioner shall have the superintendence and management of constructing, maintaining and repairing all canals, harbours, roads or parts of roads, bridges, slides, and other Public Works or buildings in progress, or constructed or maintained at the public expense out of the Provincial funds, and which under this Act will be placed under his management and control; but nothing in this Act shall give authority to the said Commissioner to cause expenditure not previously sanctioned by the Legislature, except for such repairs and alterations as the necessities of the Public Service may demand.

Of what public works the Commissioner shall have the management.

Expenditure to be sanctioned by legislature.

Exception.

15. In all cases of application to the Government or to the Legislature, by individuals or bodies corporate, for an appropriation for or expenditure upon any work proposed by them to be undertaken at the public expense,—detailed plans, surveys and estimates thereof shall be forwarded by the party so applying to the said Commissioner, to enable him to report thereon in a satisfactory manner for the information of the Governor and of the Legislature;—And in case the plans, surveys and estimates so sent are not found sufficient, the party so applying shall, prior to any action of the Commissioner thereon which would be attended with expense, enter into bonds to bear the costs attendant upon the providing of such further survey, examination and details as the Commissioner deems requisite to be made either by an officer of the Department or otherwise: but every such reasonable expense shall be refunded to the party if the Legislature makes an appropriation for such work.

Application for expenditure on any public work to be referred to the Commissioner.

Security to be given for necessary expenses of survey, &c., if found requisite.

16. The said Commissioner shall lay before the Governor the maps and estimates of any works suggested by him for the consideration of the Legislature, and of which maps and estimates have been prepared by order of the Governor in Council; and in the construction of these and all other Public Works approved of and provided for by the Legislature, the said Commissioner shall not depart, in any case, more than one mile from the line or lines delineated on the maps or plans of such works approved by the Legislature, such deviation being first submitted to and approved by the Governor in Council.

Maps and plans of work to be submitted to the Governor.

Commissioner not to depart from the line shewn in any such map, more than one mile.

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No money for any public work, or building to be expended except under the Commissioner.

Exception.

17. No public money appropriated for any public work or building shall be expended except under the control and superintendence of the said Commissioner,—except only, that whenever any money has been appropriated by any Act of the Legislature for making or improving any road or highway, the Commissioner may in his discretion intrust the whole or part of such appropriation to the Municipal Councils of the Municipalities through which such road or highway passes, to be appropriated by such Council in the manner and for the purposes by law provided.

On what certificate warrants may issue for the payment of moneys for public works.

18. No warrant shall be issued for any sum of the public money appropriated for any public work under the management of the said Commissioner, except on the certificate of the Commissioner, or his Deputy, that such sum ought to be paid to the person named in the certificate, in whose favour a warrant may then issue, which warrant shall in all cases be deemed to be a legal tender to such person.

Money to a certain amount may be advanced to the Secretary.

19. The Commissioner may from time to time grant certificates in favor of the Secretary, for sums necessary to meet any disbursements allowed to him when on duty, or which the Commissioner may order to be made immediately by the Secretary, in any report approved by the Governor; but the sum which shall at any one time be in the hands of the Secretary shall in no case exceed five hundred pounds.

Commissioners may enter into contracts on behalf of the Province relative to public works.

How contracts made with the former Board shall be construed hereafter.

20. The said Commissioner may by writing under his hand and seal, on behalf of the Province, and as hereinafter mentioned, enter into all necessary contracts, agreements and arrangements with any person relative to the Public Works of this Province, and the construction and repairs thereof, and the real property required for the same; And all contracts entered into by and with the Board of Works, before the ninth day of June, 1846, or with the Commissioners of Public Works, shall have effect, as if they had been entered into by and with the said Commissioner, and all rights acquired by the Board of Works under any such contract shall be vested in Her Majesty, subject to the provisions of this Act.

Future contracts, &c., under the control of the Commissioner to be made in the name of Her Majesty.

21. All contracts, agreements, bargains, sales or leases to be made or entered into by the Commissioner for or relating to any public work, or any land or real or personal property, or hydraulic or other privilege, or any other thing concerning which any power is vested in the said Commissioner or in Her Majesty, under this Act, shall be made and entered into in the name of Her Majesty, and not otherwise.

Proviso: former contracts, &c., shall be valid, whether made in the

Provided always, that all such contracts, agreements, bargains, sales or leases concerning any of the matters hereinbefore mentioned as have been made by the Commissioners of Public Works, under any law then in force, shall be valid to all

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all intents, whether the same were made and entered into in the name of such Commissioners, or in the name of Her Majesty.

name of Her Majesty or of the Commissioners.

22. The Commissioner or the Deputy Commissioner may require any account sent in by any contractor, or any person in the employ of the Department, to be attested on oath, which oath, as well as that to be taken by any witness, the Secretary or the Commissioner or the Deputy Commissioner may administer.

The Commissioner, &c., may require accounts to be attested on oath and administer oath.

23. The Commissioner may send for and examine, on oath, all such persons as he deems necessary, touching any matter upon which the action of the Commissioner is necessary, and may cause such persons to bring with them such papers, documents and things as it may be necessary to examine with reference to such matter, and may pay such persons a reasonable compensation for their time and disbursements, at the discretion of the Commissioner; And such persons shall attend at the summons of the Commissioner, after due notice, under the penalty of five pounds.

The Commissioner may send for persons and examine them on oath touching matters referred to them.

Penalty for non-attendance.

24. The Commissioner shall make and submit to the Governor in Council, an Annual Report on all the works under his control, to be laid before both Houses of the Legislature, within twenty-one days from the commencement of each session, showing the state of each work, and the amounts of the receipt and expenditure thereon, with such further information as may be requisite.

Annual report to be made and laid before the Legislature.

25. And the Commissioner shall report upon all matters referred by the Provincial Government connected with the objects for which the said Commissioner is appointed, and shall obtain all such evidence and information, plans, estimates, drawings or specifications, and cause such surveys, visits and examinations to be made, and do all such acts as are necessary to enable him to report.

Minutes of proceedings and reports to be duly entered.

26. It shall be the duty of the Commisioner to invite tenders by public advertisement for the execution of all works, except in cases of pressing emergency, where delay would be injurious to the public interest.

Work to be given by tender.

Exception.

27. The Commissioner, in all cases where any Public Work under his management is being carried on by contract, shall take all reasonable care that good and sufficient security be given to and in the name of Her Majesty, for the due performance of the work within the amount and time specified for its completion; And also in all cases where it seems to the Commissioner not to be expedient to let such work to the lowest bidder, it shall be his duty to report the same, and obtain the authority of the Governor in Council previous to passing by such lowest tender;

Security to be taken for the due performance of the work, &c.

Contract not always to lowest bidder.

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Contract to be signed before money paid, &c.

tender; but no sum of money shall be paid to the contractor on any contract, nor shall any work be commenced, until the contract has been signed by all the parties therein named, nor until the requisite security shall have been given.

Commissioner to suggest to the Governor advantageous public works.

Proviso.

28. It shall further be the duty of the said Commissioner to suggest to the Governor in Council such Public Works or improvements as can in his judgment be undertaken with advantage to the Province: But in no case shall any expense beyond the amount of one hundred pounds be incurred or authorized by the Commissioner with regard to any matter or matters referred to him, or suggested by him, unless with the approval of the Governor in Council.

Detailed accounts of the moneys advanced or paid for any public work to be made up by the secretary.

Accounts to be accompanied by vouchers, and to be attested.

29. The said Secretary shall make up detailed accounts of the expenditure of all moneys advanced or paid under certificates of the Commissioner, showing the sum appropriated for each public work, the sum so paid or advanced, and the balance if any remaining unexpended, and in whose hands; And each account shall be accompanied by vouchers, corresponding with the numbering of the items of such account, and shall be made up and closed quarterly, on the first day of January, April, July and October, in each year, and shall be attested before a Judge of one of the Superior Courts of Law, or before some Justice of the Peace, and shall be transmitted to the Inspector General, within one month after the said periods respectively.

Taking lands, and other powers in the construction of Public Works.

Commissioner may enter on property to make surveys, &c.

30. The said Commissioner may authorize the engineers, agents, servants and workmen employed by or under him to enter into and upon any ground to whomsoever belonging, and to survey and take levels of the same, and to make such borings, or sink such trial pits as he deems necessary for any purpose relative to the works under his management.

And may take lands, streams, &c., for public works.

And may contract and agree with all persons, &c., for that purpose, otherwise incapable of contracting.

31. The said Commissioner may at all times acquire and take possession of all lands or real estate, streams, waters and water courses, the appropriation of which for the use, construction and maintenance of such Public Works, or for the use, construction or maintenance of hydraulic privileges made or created by, from or at such Public Works, is in his judgment necessary;—and he may for that purpose contract and agree with all persons, Seigniors, bodies corporate, guardians, tutors, curators and trustees whatsoever, not only for themselves, their heirs, successors and assigns, but also for and on the behalf of those whom they represent, whether infants, (minor children,) absentees, lunatics, femes-covert, or other persons otherwise incapable of contracting, possessed of or interested in such lands, real property, streams, waters and water courses, and all such contracts and agreements, and all conveyances or other instruments made in pursuance thereof, shall be valid to all intents.

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32. The said Commissioner, for and in the name of Her Majesty, may acquire and take possession of any lands or real estate, streams, waters or water courses adjoining or lying in the neighbourhood of any public work, and which he deems requisite for the enlargement or improvement of such work, or for obtaining better access thereto;—And to enable him to acquire and take possession of such lands or other property, the said Commissioner shall have all the powers and rights conferred by the next preceding section for the purpose of enabling him to acquire such lands or real estate, streams, waters and water courses as are contemplated by the said section, and to take possession of them whenever the owners or occupiers thereof refuse or fail to agree with the Commissioner for the purchase thereof; And the said Commissioner may, under the authority of the Governor in Council, sell and convey to any person or body corporate, any land or other real estate which he has under his control and which is not required for the use of any Public Work; the proceeds of all which sales shall by the said Commissioner be accounted for in the due course of law.

Commissioner empowered to take lands, streams, &c., in certain cases;

And may, under authority of Governor in Council, alienate the same when no longer necessary.

33. The said Commissioner and his agents, may take from all uncleared or wild land, all stones, gravel, sand, clay, or other material, he or they may find necessary for the construction, maintenance or repair of Public Works or buildings under his management, for which compensation shall be made at the rate agreed on or appraised and awarded as herein provided;—And the said Commissioner may make and use all such temporary roads to and from such stones, clay, gravel, sand or gravel pits, required by him for the convenient passing to and from the works during their construction or repair.

Commissioner may take materials from off any land.

Compensation to be made.

Commissioner may make and use roads from the works to such materials.

34. The compensation agreed on between the parties, or appraised and awarded in the manner hereinafter set forth, shall be paid for such lands, real property, streams, waters and water courses, or damages, to the owners or occupiers of such lands or property, or to the persons suffering such damage as aforesaid, within four months after the amount of such compensation has been agreed on or appraised and awarded.

Compensation for damages to be paid within four months.

35. Where any such owner or occupier, refuses or fails to agree for conveying his estate or interest in any land, real property, streams or water courses as aforesaid, the Commissioner may tender the reasonable value in his estimation of the same, with notice that the question will be submitted to the Arbitrators hereinafter mentioned; and in every case, within three days after such agreement or tender and notice, the Commissioner may authorize possession to be taken of such land, real property, streams or water courses so agreed or tendered for.

When the owner refuses to convey his estate, &c.

Commissioner may take possession.

36. If the owners of such land, real property, streams or water courses do not reside in the vicinity of such property so required, then notice shall be given in the "Canada Gazette" and

When the owner does not reside in

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the vicinity of the property, &c.

and in two distinct newspapers published in or in some place adjoining the District or County in which such property is situate, of the intention of the Commissioner to cause possession to be taken of such lands, or real property, streams or water courses, and after thirty days from the publication of the last notice, possession may be taken accordingly.

All property purchased to be vested in Her Majesty.

37. All land, real property, streams or water courses, contracted for, purchased, or otherwise acquired by the said Commissioner in manner aforesaid, shall be vested in and become the property of Her Majesty, and the respective conveyance thereof, not being notarial deeds, shall be brought to and recorded and enrolled in the office of the Registrar of this Province, but being so enrolled, or being notarial deeds, need not otherwise be made by matter of record; and such conveyances may be accepted by the said Commissioner on behalf of the Crown.

Commissioner may discontinue part of a public road on substituting another.

Road discontinued to become part of the land it was originally taken from.

38. The said Commissioner may discontinue or alter any part of a public road, where it is found to interfere with the proper line or site of any Public Work as aforesaid;—But before discontinuing or altering such public road, he shall substitute another convenient road in lieu thereof; and the land theretofore used for any road, or part of a road, so discontinued, with the sanction of the Governor in Council, shall thereafter become the property of the owner of the land of which it originally formed part:

Provision as to roads discontinued before 9th June, 1846, under authority of Board of Works.

2. And as to the roads discontinued and replaced by roads made under the control of the Board of Works, before the ninth day of June 1846, or by the Commissioners of Public Works, such roads shall become the property of the owners of the land of which they originally formed part, and shall not be used as public road,—except such parts of the said roads so discontinued as were set apart by the Board of Works for the use of the public, and also such other parts thereof as may be required by the owners of such property to reach the new roads substituted for such old roads;—But such roads or parts of roads shall not be made use of to avoid the payment of tolls.

Commissioner to make drains in certain cases.

Fences, drains and ditches to be kept in repair by parties interested.

39. The said Commissioner shall either construct back ditches or drains for carrying off the water accumulating behind the banks of all Public Canals under his management, when such accumulation is caused by the construction of any such Canal, or shall pay a reasonable compensation to the owners of the Lands injured by the accumulation of such water; And whenever the said Commissioner has constructed any such ditches or drains, and whenever he has put up any fence dividing the property of private individuals from any bridge, canal or other work constructed at the public expense, the said Commissioner and the Government of the Province, shall be forever released from all obligation in regard to such fences, ditches

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ditches or drains, which shall thenceforward be maintained, repaired and renewed, when necessary, by the adjoining proprietors, who shall be alone liable for any damages arising out of the disrepair of any such fences, ditches or drains:

Such parties may claim compensation in certain cases.

2. But whenever the provisions of this Act have the effect of imposing upon any person any liability beyond what would have otherwise fallen upon him in regard of such fences, ditches or drains, such person may, by one claim filed in the manner and time required by this Act, demand compensation for all losses, injuries and expenses accrued or incurred or which thereafter might accrue or be incurred to and by himself, his heirs, assigns and legal representatives, by such additional liability, and the Arbitrators in all such cases may award such compensation as they deem sufficient to cover all such losses, injuries and expenses for the future as well as for the past.

Walls, &c., taken down in executing public works to be replaced by the Commissioner.

How to be kept up afterwards.

40. Whenever it is necessary in the prosecution of any public work, for the said Commissioner, or his contractors or servants, to take down or remove any wall or fence of any owner or occupier of lands or premises adjoining such public work, the Commissioner or contractors, or their authorized servants, shall replace the same as soon as the necessity which caused their being taken down or removed has ceased, and after the same have been so replaced, the owner or occupier of the said lands or premises shall maintain such walls or fences, to the same extent as such owner or occupier might be by law required to do, if the same had never been so taken down or removed.

Official Arbitrators.

Governor in Council to appoint not more than three arbitrators for all Canada.

Their duties.

41. The Governor in Council shall, from time to time, appoint one or such other number not exceeding three proper persons who shall be Arbitrator or Arbitrators and Appraiser or Appraisers for the whole Province of Canada, who shall, arbitrate on, appraise, determine and award the sums which shall be paid to any owner, occupier or person representing such owner for the land or real estate taken either in perpetuity or temporarily for the use of the said public works, or any of them, or as compensation for any loss or damage accruing to them from such public works, or any of them, and with whom the said Commissioner has not agreed and cannot agree;—And every such arbitrator shall receive such remuneration as shall be from time to time fixed by the Governor in Council.

Arbitrators to be sworn

42. The said Arbitrator or Arbitrators shall take, before the said Commissioner, or some one of Her Majesty's Justices of the Peace, the following oath:

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Their oath.

"I, A. B., do swear that I will well and truly hear, try and "examine into such claims as may be submitted to me for "compensation for land or real property proposed to be "taken possession of for the use and purposes of, (*or as the "case may be*,) and that I will also well and truly examine "into such claims for compensation for damages consequent "upon the construction of the said work; and that I will give "a true judgment and award thereon to the best of my know-"ledge and ability; and that in determining such award I "will take into due consideration the benefits to be derived to "the persons making such claims as aforesaid, as well as the "injury done thereby. So help me God."

Clerks to be appointed.

Their remuneration.

43. The Governor shall appoint one or more proper persons to act as Clerk or Clerks to the said Arbitrator or Arbitrators; and may remove such Clerks and appoint others whenever he sees fit; And each of the said Clerks shall be allowed the sum of fifteen shillings for every day of his attendance to his duties as such.

Present arbitrators may complete pending cases, &c.

44. Provided always, that the arbitrators for Upper and Lower Canada, respectively, appointed under the Acts hereby repealed or superseded, and in office when this Act comes into force, and the clerks to the said arbitrators respectively, shall continue in office until removed, for the sole purpose of completing cases pending before the said arbitrators, and in which they have actually proceeded to take evidence, before this Act comes into force, and of giving their award therein, and shall with respect to such cases only, have all the powers conferred on any arbitrators by this Act, and shall receive the compensation allowed them by former Acts:—And in case of any vacancy among the arbitrators for Upper or for Lower Canada, or their clerks, while any such case is pending before them, the Governor in Council may, if need shall be, appoint another or others to act in such cases only, with the powers aforesaid; and any person so appointed an arbitrator shall take the oath aforesaid, unless he be an arbitrator appointed for the whole Province under this Act.

Vacancies among present arbitrators.

How the word "arbitrators" shall be construed in the following provisions.

45. Whenever in the following sections of this Act, the word "arbitrators" occurs, it shall be understood to mean the arbitrator appointed under this Act, if there be then only one, and the arbitrators appointed under this Act, if there be more than one;—Except that as regards any case pending, and in which evidence has been taken as aforesaid before arbitrators when this Act comes into force, it shall be understood to mean the arbitrators to whom such case was referred, or any majority of them, or of those acting in such case, and subject always to the power hereinafter given to the Commissioner to refer any matter to any one or more of the Arbitrators, if there be more than one.

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What cases may be referred to Arbitration.

46. If any person or body corporate has any claim for property taken, or for alleged direct, or consequent damages to property, arising from the construction or connected with the execution of any public work undertaken, commenced or performed at the expense of this Province, or of either of the late Provinces of Upper or Lower Canada, or any claim arising out of or connected with the execution or fulfilment, or on account of deductions made for the non-execution or non-fulfilment of any contract for the performance of any such public work, made and entered into with the said Commissioner either in the name of Her Majesty, or in any other manner whatsoever, or with any other Board, or any other Commissioners lawfully authorized to enter into the same on behalf of this Province, or either of the said Provinces of Upper or Lower Canada,—such person or body corporate may give notice of such claim to the said Commissioner, stating the particulars thereof, and how the same has arisen;—And thereupon, the Commissioner may, at any time within thirty days after such notice, tender what he considers a just satisfaction for the same, with notice that the said claim will be submitted to the decisions of the Arbitrators acting under this Act, unless the sum so tendered is accepted within ten days after such tender, which shall be deemed to be legally made by any written authority for the payment of such sum given under the hand of the said Commissioner, and notified to the person or body corporate having such claim;—And a tender so made shall be sufficient likewise in case of tender of compensation by the Commissioner under any other section of this Act;

If any party having a claim of any kind for damages arising from any public work, or out of any contract, with regard to any such work, shall bring such claim before the Commissioner.

The Commissioner may, within thirty days, tender such amount as he may think sufficient.

If not accepted the claim shall be submitted to the arbitrators.

What shall be a tender under this chapter.

2. But before any claims either under this section or under any other section of this Act, shall be arbitrated upon, the claimant thereof shall give security to the satisfaction of the Arbitrators (or of any two of them,) for the payment of the costs and expenses incurred by the arbitration, in the event of the award of the Arbitrators being against such claimant, or of its not exceeding the sum so tendered as aforesaid.

Claimants to give security for the costs of arbitration, to the satisfaction of the arbitrators.

Costs, how to be taxed.

47. It shall be competent for the Commissioner to refer any of the claims aforesaid either to one or to any greater number of Arbitrators as he may see fit; and the award of the sole Arbitrator shall be binding if there be only one; and the award of a majority of the said Arbitrators if there be more than one acting in the case, or of a majority of the Arbitrators acting in any case pending when this Act comes into force, shall in all cases be binding as if made by all the Arbitrators.

Reference may be to one or more arbitrators: if more than one, award of majority to be binding.

48. No arbitration shall be allowed in any case where by the terms of the contract therein, it is provided that the determination of any matters of difference arising out of or connected with the same shall be decided by the Commissioner or by any Engineer or officer of the Department.

No arbitration when the contract provides another course.

49.

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Claims for land or damages, or arising out of contracts, to be filed within a certain time.

49. No claim for land or other property alleged to have been taken for or injured by the construction, improvement, maintenance or management of any public work, or for damages alleged to have been occasioned directly or indirectly to any such land or other property by the construction, maintenance on management of any such public work,—and no claim arising out of or connected with the execution of any contract or agreement for the performance of any such public work or of any part thereof,—shall be entertained by the arbitrators under this Act, unless such claims and the particulars thereof have been filed at the office of the Commissioner, which may be established under this Act,—within twelve calendar months next after the loss or injury complained of, when such claim relates to the taking of or damage occasioned to land or other property,—And when such claim relates to or is alleged to arise out of the execution or fulfilment of any contract or agreement for the construction of any public work, unless the same has been filed at the said office, within three calendar months next after the date of the final estimate made under such contract: But nothing herein contained shall prevent the Arbitrators from entertaining, investigating or awarding upon any claims filed within the delay allowed by any Act then in force.

Time and place of arbitration.

50. Whenever the Commissioner cannot effect an amicable settlement of any such claim, he shall refer the same to the said Arbitrators within sixty days from the filing thereof; and the said Arbitrators shall proceed to investigate and make their award thereon, at such time and place as the Commissioner shall appoint.

All disputes may be referred to the arbitrators.

51. If any claim arises against the said Commissioner of a nature different from those described in this Act, which the Commissioner is unable to settle amicably, then such claim (unless the same be made for salary, wages, or allowances by any subordinate officer or person in the employ of the Commissioner) shall be referred to the said Arbitrators, who shall investigate and give their award upon such disputed claim, in like manner as provided for their award upon other claims: But no such disputed claim shall be entertained by the Arbitrators, unless the same, with the particulars thereof, has been filed at the office of the Commissioner within twelve calendar months after the same arose.

But such claim must have been filed within twelve months after it arose.

Powers of the said Arbitrators, and proceedings by or before them.

Arbitrators to have powers to summon witnesses, and to swear them.

52. The said Arbitrators may, by summons or order in writing, to be left at the last usual place of residence of the party to whom it is addressed, command the attendance from any part of the Province of all witnesses or the production of any documents required by any of the parties, and may swear the said witnesses to testify truly respecting the matters on which they are

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are to be interrogated;—And the disobedience of such summons or order in writing, or neglect to attend and produce such documents shall subject the party disobeying, neglecting or refusing, to a penalty of not less than one pound nor more than five pounds, to be recovered before any Justice of the Peace, and levied under the warrant of such Justice, by distress and sale of the goods and chattels of the offender unless the party establishes reasonable cause for such disobedience, neglect or refusal:

Penalty for refusing to obey summons.

2. But no person shall be compelled to produce any document that he would not be compelled to produce at a trial in the Queen's Bench, Common Pleas or Superior Court, or to attend as a witness more than two consecutive days;—And each of the said witnesses shall be allowed, in addition to his reasonable travelling expenses, a sum not exceeding five shillings a day, at the discretion of the said Arbitrators; and such remuneration shall be paid by the party requiring his attendance.

What documents witnesses may be compelled to produce.

Payment of witnesses.

53. The said Arbitrators shall consider the advantage as well as disadvantage of such public work, as respects the land or real estate of any person through which the same passes or to which it is contiguous, or as regards any claim for compensation for damages brought before them;—And the said Arbitrators shall, in assessing the value of any land or real estate proposed to be taken for the purposes of any such public work, or in estimating and awarding the amount of damages to be paid by the said Commissioner to any person, take into consideration the advantages likely to accrue as well as the injury or damages occasioned by reason of such work:—But the Arbitrators shall not in any case award that any sum be paid by any person to the said Commissioner on account of any such advantages.

Arbitrators shall consider the advantages as well as disadvantages of any work to the party claiming damages.

But no party to pay any sum to the Commissioner for such advantages.

54. The said Arbitrators, in estimating and awarding the amount to be paid to any claimant for injury done to any land or real property, and in estimating the value of lands taken by the said Commissioner under this Act or any former Act, shall estimate or assess such land or real property in accordance with the value thereof at the time when the injury complained of was occasioned, and not according to the value of the adjoining lands at the time of making their award.

Rules to be observed by the arbitrators in estimating the value of lands taken, &c.

55. The said Arbitrators, in investigating and awarding upon any claim arising out of any contract in writing, shall decide in accordance with the stipulations in such contract, and shall not in any case award compensation to any claimant on account of his having expended larger sums of money in the performance of any work than the sums for which he contracted to perform such work; nor shall they award to such claimant any interest upon any sum of money which they consider to be due to such claimant, in the absence of any contract in writing stipulating payment of such interest;—And no clause in any such contract in

Arbitrators to be bound by the stipulations of any contract.

As to interest.

Penalties not

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to be deemed comminatory.

in which any drawback or penalty is stipulated for the non-performance of or neglect to complete any public work, or to fulfil any covenant in such contract, shall be considered as comminatory, but shall be construed as importing an assessment by mutual consent of the damages arising out of such non-performance or neglect.

Arbitrators to take evidence in writing, &c.

56. The said Arbitrators, in investigating any claim, shall cause all legal evidence offered on either side, to be taken down and recorded in writing, and shall make a list of all plans, receipts, vouchers, documents and other papers which may be produced before them during any such investigation :

Or orally by consent.

2. Nevertheless, the said Arbitrators may, with the consent in writing of the said Commissioner and of the opposite party, take the testimony of the witnesses adduced on either side orally, and shall not in such case reduce it to writing.

Arbitrators to furnish copies of their awards in order that the sum awarded may be paid.

57. The said Arbitrators shall furnish the Commissioner with a copy of their award, and a copy thereof to each individual as far as relates to his particular claim, within one month after each decision, in order that the amounts awarded may be paid by the Commissioner, within four months thereafter.

Clerks to furnish copies of papers.

Payment for the same.

58. The said Clerk to the Arbitrators shall deliver to any person requiring the same, certified copies of any depositions or papers taken or filed before the Arbitrators : And before delivering any such copies, the Clerk shall be entitled to payment at the rate of six pence for every hundred words contained in the same, and one shilling additional for any certificate.

As to costs of arbitration.

59. If the sum awarded exceeds the sum tendered, the Commissioner shall pay the costs of arbitration, but if not, the costs shall be paid by the person who refused the tender made by the Commissioner :

Costs to be taxed, and how.

2. And such costs shall in other cases, when the award is in favor of such claimant, be paid by the said Commissioner in addition to the sum awarded, and shall in either case be taxed by the proper officer of the Court of Queen's Bench or Common Pleas, in Upper Canada, and in Lower Canada by a Judge of the Superior Court ; And in every case in which the claimant has been represented or assisted by an Attorney before the Arbitrators, the fees of such Attorney shall be taxed and allowed to him as in a contested case in the said Superior Court, or in the Circuit Court, according to the sum awarded.

Appeals from awards in Lower Canada.

Appeal given to either party from award of arbitrators.

60. Any Claimant dissatisfied with any award made by the said Arbitrators in Lower Canada, may appeal from such award by petition addressed to the Superior Court, sitting in Term

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Term in the District in which such award was made, praying such Court, for reasons to be set forth in such petition, to revise and re-consider the same, and to set side and annul the same, either wholly or in part, and if in part, stating what part, or to amend or reform the same; and Her Majesty's Attorney General or Solicitor General for Lower Canada, may appear to answer such petition for and on behalf of Her Majesty:

2. And whenever the said Commissioner is dissatisfied with any award, Her Majesty's Attorney General or Solicitor General may, by information on behalf of Her Majesty, apply in like manner, and for reasons to be set forth in such information, to set aside or annul such award, either wholly or in part, or to amend or reform the same; **If the Commissioner is dissatisfied.**

3. And such Court may either amend or reform such award or set aside and annul the same; and if such Court is of opinion that the Claimant in any such appeal is entitled to recover an amount of compensation larger than that awarded by the Arbitrators, the Claimant shall receive from the said Commissioner, not only the amount of compensation specified in the judgment of the Court, but also such costs as the Court may award upon such appeal; And when in any such appeal instituted by Her Majesty's Attorney General or Solicitor General, the Court sets aside or annuls any award, or diminishes the amount of compensation awarded to the Claimant, then the Court may award costs to Her Majesty. **Powers of the Court.** **As to costs.**

61. No such award in Lower Canada shall be set aside unless the application to the Court is made within four months from the date of the award, nor unless notice of such Petition has been given at least twenty full days before the presentation of such Petition. **Application must be made within four months.**

62. On every such appeal in Lower Canada, the Arbitrators shall produce before the Superior Court all evidence taken and recorded before them, and all plans, receipts, vouchers and other documents submitted to and filed before them in relation to such claim; And the said Court shall not allow any other evidence to be adduced upon any such appeal, except when the Arbitrators have rejected and refused to record evidence by law admissible. **What evidence shall be admissible on appeal.**

Setting aside awards in Upper Canada.

63. In Upper Canada all awards or decisions of the said Arbitrators shall be subject to the jurisdiction of the Superior Courts of Law or Equity, within the jurisdiction whereof the arbitration has taken place, in like manner and to the same extent, and under the same regulations as apply to arbitrations under the submission of the respective parties,—except that no such award shall be set aside unless the application to the Court is made within one year from the date of the award. **The award of such arbitrators to be subject to the control of the Courts, as awards of other arbitrators.**

Arbitration

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Arbitration in certain Special Cases.

Arbitrators may be appointed in certain cases, otherwise than as before mentioned.

64. The Commissioner of Public Works, if he deems it expedient, and when thereunto required by the parties bringing claims in any of the cases before mentioned, may, under the authority of the Governor in Council, refer the said claims, or any of them, to Arbitrators other than the said Official Arbitrators, which Arbitrators shall be appointed in manner following:

Mode in which arbitrators may be appointed.

2. The claimant shall appoint one Arbitrator, the Commissioner of Public Works shall appoint another, and the said two Arbitrators shall appoint a third, and in case of disagreement, the said third Arbitrator shall be appointed by a Judge of any Court of Record, upon the request of the said two Arbitrators;

Their powers.

3. And the said three Arbitrators shall have the same powers for the examination and decision of any claim and for commanding the attendance of and summoning before them, hearing, swearing and examining witnesses, and requiring the production of all papers and documents, as the said Official Arbitrators have or might have.

Penalties on witnesses not attending, &c.

65. Every witness summoned neglecting or refusing to appear before the said Arbitrators, or to be sworn or to answer to the interrogatories put to him, or refusing to produce the documents required of him, shall be liable to the penalty prescribed by the fifty-second section of this Act, in the same manner and subject to the same exemptions and limitations, as in the said section provided, and the said penalty shall be recovered in the manner therein provided; and the said witnesses shall be entitled to be taxed in the manner therein also provided.

Claimants to give security.

66. The claimant shall give security to the satisfaction of the Arbitrators under the two next preceding sections, in the cases provided, and in the manner and for the purposes mentioned in the forty-sixth section of this Act.

Awards, when to be final, and when subject to revision.

67. The award of the said Arbitrators, or a majority of them, shall be final and without appeal, in all cases in which the claim submitted to them does not exceed Fifty Pounds; and in any case in which the claim exceeds Fifty Pounds, their award shall be subject to and governed by all the provisions contained in the sections sixty, sixty-one, sixty-two and sixty-three of this Act, with respect to the setting aside or confirming of the awards therein mentioned.

Costs by whom to be paid.

Remuneration of arbitrators.

68. The costs for any arbitration under the sixty-fourth section shall be borne and paid in the manner provided by the fifty-ninth section of this Act, and taxed in the manner provided by the said Section, and the remuneration of the said Arbitrators

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Arbitrators shall be fixed in the same manner for the Official Arbitrators.

Confirmation of Title to Real Property in Lower Canada.

69. In Lower Canada the compensation awarded by Arbitration or agreed upon by the Commissioner and any party who could under this Act validly convey the real estate, or lawfully in possession thereof as owner, for any real estate which might be lawfully taken under this Act without the consent of the owner, shall stand in the stead of such land; and any claim to or hypothec or incumbrance upon such real property shall be converted into a claim to or upon the said compensation:

In Lower Canada, the compensation shall stand in the stead of the property.

2. If the Commissioner believes that any such claim, hypothec or incumbrance exists upon the land, or if any party to whom the compensation or any part thereof is payable, refuses to execute the proper conveyance and guarantee, or if the party entitled to claim the same cannot be found, or is unknown to the Commissioner, or if for any other reason the Commissioner deems it advisable—he may pay such compensation into the hands of the Prothonotary of the Superior Court for the District in which the property lies, with six months interest thereon, and may cause to be delivered to the said Prothonotary an authentic copy of the conveyance (or of the award if there be no conveyance, and such award shall thereafter be deemed to be the title of Her Majesty to the land therein mentioned), and proceedings shall be thereupon had upon application on behalf of the Crown for the confirmation of such title in like manner as in other cases of confirmation of title,—except that in addition to the usual contents of the notice, the Prothonotary shall state that such title (that is the conveyance or award) is under this Act, and shall call upon all persons entitled to, or to any part of the real estate, or representing or being the husband of any party so entitled, to file their oppositions for their claims to the compensation, or any part thereof;—and all such oppositions shall be received and adjudged upon by the Court, and the judgment of confirmation shall for ever bar all claims to the real estate or any part thereof, (including dower not yet open) as well as all hypothecs or incumbrances upon the same;—And the Court shall make such order for the distribution, payment or investment of the compensation, and for securing the rights of all parties interested as to right and justice appertain according to the provisions of this Act and to law: and the costs of the said proceedings or any part thereof shall be paid by the said Commissioner or by any other party, as the Court deems it equitable to order;

Proceedings to be taken if the Commissioner has reason to think that hypothecs or claims exist.

What the notice to the Prothonotary shall contain in addition to the usual particulars.

Claims not filed, (including dower not open) to be for ever barred.

And if judgment of confirmation be obtained in less than six months from the payment of the compensation to the Prothonotary, the Court may order a proportionate part of the interest

Distribution to be ordered by the Court.

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interest to be returned to the Commissioner;—and if from any error, fault or neglect in prosecuting the said application for confirmation of title, such confirmation is not obtained until after the six months are expired, the Court shall order payment of interest to the party entitled thereto for such further period as may be right.

Recovering possession of Public Works in Lower Canada.

A guardian may be appointed to take possession of real property for the recovery of which an action is brought by the Crown.

70. Whenever an action is brought on behalf of the Crown to recover possession of any Pier, Road, Bridge, Building or other Public Work in Lower Canada, the Court before which the action is brought or any one of the Judges thereof, may order the Sheriff of the District to put the person or persons named for that purpose by the Attorney General, Solicitor General, or other Officer prosecuting such action, and moving or petitioning for such order, in possession of the Public Work designated in the action or in regard of which the action is brought, together with its appurtenances; such Public Work and appurtenances to be held by such person or persons as the guardian (*gardien*) or guardians thereof during the pendency of such action.

Order for delivery to guardian, how obtained.

71. Every such order may be moved or petitioned for and made, at any time after the service of the Writ of Summons in the action, either before or after the return thereof, and either in term or in vacation, and shall be granted upon affidavit shewing to the satisfaction of the Court or Judge, that the Public Work in question belongs to Her Majesty, and is unjustly or illegally detained by the Defendant.

Sheriff to put guardian into possession.

72. The Sheriff upon receipt of any such Order, shall pu person or persons therein appointed as such guardian or guardians, in possession of the Public Work therein designated.

Sale and transfer of Public Works.

Property, &c. no longer required for public purposes may be sold.

73. The Governor in Council may dispose by sale or lease of any land, stream or water course or other real property, acquired for the purpose of any public work and no longer required for the same,—or of any portion of any hydraulic power created by the construction of any Public Work or the expenditure of any public money thereon, and not required for such Public Work,—and the proceeds shall be accounted for as public moneys:

Commissioner may sell lands no longer required.

2. And the Commissioner of Public Works may, whenever he deems it expedient, sell and convey to any person or body Corporate, any land or real estate acquired under section thirty-two of this Act, which he has under his control, and which is not required for the use of any such Public Work; and the proceeds of all such sales shall be by the said Commissioner accounted for in due course of law.

74.

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74. Any public Road or Bridge made, built or repaired at the expense of the Province, and under the management and control of the Commissioner of Public Works, may, by Proclamation issued by authority of the Governor in Council, be declared to be no longer under the management and control of the said Commissioner;—and upon, from and after a day to be named in such Proclamation, such Road or Bridge shall cease to be under the management and control of the said Commissioner, and no Tolls shall thereafter be levied thereon under the authority of this Act.

Roads and bridges made by the province may be withdrawn from the control of the commissioner.

75. Any Public Road or Bridge, declared as aforesaid to be no longer under management of the said Commissioner of Public Works, shall be under the control of the Municipal Authorities of the locality and of the Road Officers thereof, in like manner with other Public Roads and Bridges therein, and shall be maintained and kept in repair under the same provisions of law which are hereby declared to extend to such Road or Bridge.

Public roads and bridges, no longer under the management of the commissioner, to be under the control of the local municipal officers.

76. The Governor in Council may enter into arrangements with any of the Municipal Councils or other Local Corporations or Authorities, or with any Company in Lower or Upper Canada incorporated for the purpose of constructing or holding such works, or works of like nature in the same section of the Province—for the transfer to them of any of the Public Roads, Harbours, Bridges or Public Buildings [whether within or without the limits of the Local Jurisdiction of such Municipal Councils or other Authorities] which it is found convenient to place under the management of such Local Authorities or Companies :—And on the completion of such arrangements, the Governor in Council may grant, and by so granting, transfer and convey for ever or for any term of years, all or any of such Roads, Harbours, Bridges or Public Buildings, to such Municipal Council, or other Local Authority or Company (hereinafter called Grantee,) upon such terms and conditions as have been agreed upon ; and the said Municipal Councils or other local Authorities may enter into such arrangements and may take and hold any such works so transferred;—And all moneys payable to the Province under the conditions of any such grant, shall be carried to the credit of the Sinking Fund and form part thereof.

Governor in Council may arrange for the transfer of certain public works to the local authorities.

77. Any such grant of any of the said Public Works, may be made by Order of the Governor in Council, published in the *Canada Gazette*;—and by such Order, any or all of the powers and rights vested in the Crown or in the Governor in Council, or in any Officer or Department of the Provincial Government, with regard to the Public Work thereby granted, may be granted to and vested in the Grantee to whom the Public Work is granted :

Transfer to be effected by order in Council.

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What provisions such order in Council may contain.

2. And such Order in Council may contain any conditions, clauses and limitations agreed upon, which, as well as all the provisions of such Order in Council, shall, (in so far as they are not inconsistent with this Act, and do not purport to grant any right or power not immediately before the making of such Order in Council, vested in the Crown or in the Governor in Council, or in some Officer or Department of the Provincial Government,) have force and shall be obeyed, as if they had been contained in this Act, and had made part of the enactments thereof;

Revocation or alteration thereof allowed with consent of grantee, &c.

3. And any such Order in Council may, with the consent of the Grantee, be revoked or amended by any subsequent Order in Council published as aforesaid;—and a copy of the *Canada Gazette* containing any such Order in Council shall be evidence thereof,—and the consent of the Grantee thereto shall be presumed unless disputed by such Grantee, and if disputed, shall be proved by any copy of such Order in Council, on which the consent of the Grantee thereto shall be written and attested by such signature or seal, or both, as would be sufficient to make any Deed or Agreement the Deed or Agreement of such Grantee;

Penalties for offences relative to Public Works.

4. Nothing in this Act, or in any Order in Council made under it, shall exempt any person from any punishment or penalty imposed by or under authority of any Law, for any offence relative to any Public Work,—but so much of any such penalty as would otherwise belong to the Crown, shall, if it be so provided in the Order in Council, belong to the Grantee, otherwise it shall belong to the Crown;—but this shall not prevent the repeal or alteration by the Grantee of any such penalty imposed by the Governor in Council under the authority of any law, if the power to repeal or alter the same is transferred as aforesaid to such Grantee,—or by the Governor in Council with the consent of the Grantee, if such power is not so transferred.

Order in Council transferring any Public Work may extend to certain matters.

78. The provisions and conditions of any Order in Council made under this Act may extend—to the mode of adjusting and determining any difference arising between the Crown and any Company or Municipal Corporation as to their respective rights under the same,—or to the reservation of the right of re-entry by the Crown into possession of any Public Work on the default of such Company or Corporation to perform the conditions agreed upon,—and to the vesting in any Sheriff power to give possession of such Public Work to any Public Officer for the Crown, on any warrant under the hand and seal of the Governor to be addressed to such Sheriff, reciting such default and commanding him to give possession to such Officer for the Crown as aforesaid;—And no enactment made for the purpose of enforcing the provisions of any such Order in Council as aforesaid, shall be deemed an infringement

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infringement of the rights of the Company or Municipal Corporation to which it relates; but nothing in this section shall prevent the enforcement of the rights of the Crown in any legal manner not inconsistent with the provisions and conditions of any such Order in Council, and the right of re-entry reserved in any such Order in Council may always be enforced in the manner provided by sections seventy, seventy-one and seventy-two.

79. No Road, Bridge or Public Work shall be transferred to any Company without the reservation of power on the part of the Crown to resume the same at any time after the expiration of a period which shall not exceed ten years, on conditions to be embodied in the Order in Council transferring it: and no such Road, Bridge or Public Work shall be leased to any Company for a longer period than ten years. **Certain powers must be reserved, &c.**

80. No Road, Bridge or Public Work shall be sold or leased to any Company, unless security, real or personal, has been given to the satisfaction of the Governor in Council, for an amount equal to ten per centum of the actual value of such Road, Bridge or Public Work in case of sale, or on the estimated value of such Work in case of lease, and such security shall be forfeited to the Crown in case of non-compliance with the conditions of such sale or lease. **Security must be given.**

81. In every instance, one of the conditions of the sale or lease of any Road, Bridge or Public Work shall be,—that such Work shall be kept in thorough repair, and that, for all the purposes of such contract, sale or lease, the sufficiency of such repair shall be ascertained and decided on by such Engineer as shall be appointed to examine the same by the Commissioner of Public Works. **Work to be kept in thorough repair.**

82. Subject to the provisions of this Act, the provisions of the Act twelfth Victoria chapter fifty-six, shall extend and apply to any Company in Lower Canada, to be formed for the purpose of acquiring for ever, or for any term of years, any of the Public Roads, Harbours, Bridges or Public Buildings which may be lawfully transferred to any such Company under this Act, or for the purpose of so acquiring and of improving or extending (or both) any such Public Work,—as fully as if such purpose were expressly enumerated in the said Act (12 V. c. 56,) among the purposes for which Companies may be formed under the same,—the form of the instrument of association given in the schedules to the said Act being varied so as to express that the Company is formed under said Act as extended by this Act, and for what purpose it is formed: **Acts 12 V. cap. 56, extended to companies formed for purchasing Public Works under this chapter.**

2. Provided always, that no Company to be so formed for the purpose of acquiring any such Public Work (whether with or without **Such companies not liable**

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to certain provisions of the said Act.

without the intention of extending the same) shall be liable to be opposed or prevented from acquiring such work or from using and working the same, by any Municipal Council or other party,—nor shall the Company be bound to make any report respecting such work to any Municipal authority,—nor shall such Municipal authority or the Crown have the right of taking such work at the end of any term of years;—but the provisions of the said Act (12 V. c. 56,) as to such opposition and prevention, or to such report, or to the taking of the works and property of the Company by any Municipal authority or by the Crown, shall apply only to the extension of the same beyond the local limits of the work when transferred to the Company;

Certain sections of the said Act to apply.

3. Nor shall any of the provisions of the said Act (12 V. c. 56,) inconsistent with any lawful provision or condition in any Order in Council legally made under this Act, or with the rights transferred by the same, apply to the Company to which such Order in Council relates;—but nothing herein shall prevent the reservation in any such Order of the power of taking any such work with or without any such extension, and by the Crown or any Municipal authority, on the terms and conditions therein to be expressed;

Proviso.

4. Provided always that the thirty-fifth section of the Act above cited, shall apply to Roads, Bridges and other Works transferred to any Company, and to the Company to whom the same have been transferred as far as regards such Roads, Bridges and Works.

What shall be the maximum tolls to be taken by any such company.

83. The Tolls to be taken by any Company to be formed for the purposes aforesaid, on any such Public Work not being a Road, shall not be regulated by the provisions of the Act (12 V. c. 56,) first mentioned, but the maximum Tolls to be levied on such work by the Company shall be the maximum tolls which can be lawfully levied on such work, under this Act unless some lower maximum be fixed (as it may be) by the Order in Council transferring the work to the Company, or by some further order amending the same, made with the consent of the Company;—and the Tolls to be levied on any Road, or on any extension of such other Public Work shall only be regulated by the Act first mentioned in the absence of any special provision for lower rates in the Order in Council as aforesaid:

As to exemption from toll.

2. Provided always, that no exemption from Tolls on any Road or other Public Work so transferred or on any extension thereof, shall be valid against any Company to be formed under the next preceding section of this Act, except such only as can be validly claimed under the Act (12 V. c. 56,) first mentioned, on works constructed under the authority thereof, unless such exemption from Toll is stipulated in the Order in Council transferring such Public Work to the Company.

84.

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84. Any party residing on the line of any Road transferred to any Company or Municipal Corporation under the provisions of this Act, and within half a mile of the limits of any City or Incorporated Town, may commute with such Company or Municipal Corporation for a certain sum per month to be paid by such party to the Company or Corporation for passing and re-passing through the Toll-gate between the residence of such party and the limits of such City or Town, and in default of agreement such commutation may be fixed by arbitration, each party appointing one arbitrator, and the two arbitrators a third, and the decision of any two of such arbitrators being final;—And in default of commutation, either by agreement of award of arbitration, such Company or Municipal Corporation shall be entitled to charge such party or his servants and others passing such gate with his carriages or vehicles, horses or cattle, such Tolls only as will bear the same proportion to the Tolls per mile then charged by the Company or Municipal Corporation to other parties, as the distance between the limits of the said City or Town and the residence of the party first aforesaid bear to one mile.

Provision in favor of parties residing within a certain distance of the limits of any City or incorporated Town.

Tolls on Public Works.

85. The Governor in Council may, by Orders in Council to be issued and published as hereinafter provided, impose and authorize the collection of Tolls and Dues upon any Canal, Harbor, Road, Bridge, Ferry, Slide, or other Public Work, in this Province, vested in Her Majesty, or in the Commissioner of Public Works, or in any Public Officer, person, or body corporate, for the public uses of this Province, or to be acquired therefor,—and from time to time, in like manner, may alter and change such Tolls or Dues, and may declare the exemptions therefrom; and all such Tolls and Dues shall be payable in advance and before the right to the use of the Public Work in respect of which they are incurred shall accrue, if so demanded by the Collector thereof:

Governor in Council may impose tolls for the use of any Public Work, and make regulations for their collection.

Such tolls may be altered.

Provided always, that no such Tolls or Dues shall exceed the maximum rates in the Schedule B to this Act as regards the works in the said Schedule referred to.

Such tolls not to exceed, &c.

86. Any fraction of a ton or of any other quantity mentioned in the Schedule B to this Act as that on which the Tolls to be levied on the said Works are to be calculated, may be considered as a whole ton or quantity.

Fractions how computed.

87. The same Tolls shall be payable on Steamboats or Vessels of any kind and Passengers, brought down the River St. Lawrence, past any of the Canals between Montreal and Kingston, as would be payable on such Steamboats, Vessels or Passengers, if the same had been brought through the Canal or Canals past which they are so brought down; and such Tolls shall

What tolls shall be payable on vessels and passengers coming down the St. Lawrence rapids.

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shall be levied in like manner, and under the like penalties and forfeitures for the non-payment thereof.

Governor in Council may alter the place of toll gates, &c.

88. The Governor in Council may from time to time, on the report of the said Commissioner, place the toll-gates on the roads in Schedule A, at such places and such distances from each other as appear to him advisable.

Officers and soldiers on duty to pass toll-free over roads and bridges.

89. Her Majesty's Officers and Soldiers, being in proper uniform, dress or undress (but not when passing in any hired or private vehicle), and all carriages and horses employed in Her Majesty's service, when conveying persons or baggage, shall be exempted from payment of any tolls on using or travelling over any road or bridge named in the Schedule A to this Act annexed, or made or constructed with the public money of this Province: but nothing herein shall exempt any boats, barges, or other vessels employed in conveying the said persons, horses, baggage or stores along any canal, from payment of tolls, in like manner as other boats, barges and vessels are liable thereto.

Boats, &c., conveying the above along any canal, not to be exempt.

In what manner tolls and penalties under this Act shall be recoverable;

90. All tolls and dues imposed under this Act may be recovered, with costs, in any Court having civil jurisdiction to the amount, by the Collector or person appointed to receive the same, in his own name or in the name of Her Majesty, and by any form of proceeding by which debts to the Crown may be recovered:

And how levied.

2. And all pecuniary penalties imposed by this Act, or by any regulation made under the authority thereof shall be recoverable with costs before any Justice of the Peace for the District, County or place in which the offence was committed, upon proof by confession or by the oath of any one credible witness, and may, if not forthwith paid, be levied by distress and sale of the goods and chattels of the offender, by warrant under the hand and seal of such Justice; And if sufficient distress cannot be found, and such penalty be not forthwith paid, such Justice may, by warrant under his hand and seal, cause the party offending to be committed to the Common Gaol of the District or County, there to remain without bail or mainprize, for such time as such Justice may direct, not exceeding thirty days, unless such penalty and costs be sooner paid;—And such penalties shall belong to Her Majesty for the use of the Province;

Application of penalties.

Proviso: as to tolls, penalties, &c., accruing or incurred with respect to timber passing any slide, &c.

3. Provided always, in respect to tolls and dues on timber passing any slide, and to penalties for violating any regulation respecting such slides, or for non-payment of such tolls and dues, that the same may be enforced, imposed and collected, by and before any Justice of the Peace within any District or County in the Province in which the timber respecting which such tolls or dues, or the person from whom such payment or penalty is demanded, happens to be at the time application is made to such Justice to enforce payment of the same.

91.

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91. The goods on board of any such steamboat, vessel, raft, crib or other craft, or the animal or animals attached to any carriage or vehicle, and the goods contained therein, to whomsoever the same belong, shall be liable for any Tolls, Dues or Fine so to be imposed and levied,—and they or any of them, may be seized, detained and sold in the same manner as the steamboat, vessel or other craft, carriage or vehicle, in which they are or to which they are attached, and as if they belonged to the person or persons contravening any such Regulation,—saving the recourse of the real owners thereof against such person or persons, who shall be deemed the owner or owners thereof for the purposes of this Act.

Goods, &c., in vessels or carriages liable for tolls or fines.

92. All tolls, dues or other revenues imposed and collected on Public Works, shall be paid by the persons receiving the same directly to the Receiver General of the Province, in such manner and at such intervals as may be appointed by him, but such intervals shall in no case exceed one month;—And all such tolls and revenues shall be held to be duties within the meaning of the Act passed in the eighth year of Her Majesty's Reign, chapter four, and shall, as shall all persons concerned in the collection thereof, and all matters therewith connected, be subject to the provisions of the said Act in so far as may be consistent with this Act.

Tolls, &c., to be paid by the person receiving them to the Receiver General, and to be deemed duties within the meaning of 8 V. c. 4.

93. The Governor in Council may order the Tolls at the several gates erected or to be erected on any public road vested in the Crown, or under the management of the Commissioner of Public Works, to be let to farm under such regulations and by such form of lease as he thinks expedient;—and the lessee or farmer of such Tolls, or any person he may appoint, may demand and take such Tolls, and proceed for the recovery of the same in the name of such lessee or farmer, in case of non-payment or evasion thereof, in the same manner and by the same means as are given by law to any Collector of Tolls or other persons authorized to Collect the same.

Tolls at the several toll-gates may be farmed or leased, and the lessees shall have certain rights.

Regulations for use of Public Works.

94. And for the due use and proper maintenance of all such Public Works, and to advance the public good,—the Governor in Council may, by Orders in Council, enact from time to time such Regulations as he may deem necessary for the management, proper use and protection of all or any of the said Public Works, or for the ascertaining and collection of the Tolls and Dues thereon.

Governor in Council may make regulations for the proper use, &c., of any such work.

95. The Governor in Council may by such Orders and Regulations, impose such Fines, not exceeding in any one case one hundred pounds, for any contravention or infraction of any such Order or Regulation, as he deems necessary for ensuring the observance of the same and the payment of the Tolls and

Fines may be imposed by such regulations.

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Vessels, &c., may be detained until tolls or fines incurred are paid.

and dues to be imposed as aforesaid,—and may also by such Orders and Regulations provide for the non-passing or detention and seizure, at the risk of the owner, of any steamboat, vessel or other craft, carriage, animal, timber or goods, on which Tolls or dues have accrued and have not been paid, or in respect of which any such Orders or Regulations have been contravened or infringed, or any injury done to such Public Works and not paid for, or for or on account of which any fine has been incurred and remains unpaid,—and for the sale thereof, if such Tolls, dues, damages or fine be not paid by the time to be fixed for the purpose, and for the payment of such Tolls, Dues, Damages or Fine out of the proceeds of such sale, returning the surplus, if any, to the owner or his agent; But no such provision shall impair the right of the Crown to recover such Tolls, Dues, Fines or Damages in the ordinary course of law; and any such Tolls, Dues or Fines may always be recovered under the ninetieth section of this Act.

But not to affect other provisions for their recovery.

Miscellaneous Provisions.

Proof of Orders in Council under this Act.

96. All Proclamations, Regulations or Orders in Council made under this Act, shall be published in the Official Gazette, and a copy of such Gazette purporting to be printed by the Queen's Printer, and containing any such Proclamations, Orders or Regulations, shall be legal evidence thereof.

Expenses formerly paid out of the tonnage dues imposed by the repealed Acts, to be defrayed out of the Provincial Funds.

97. The charges and expenses defrayed out of the tonnage dues formerly levied under the Acts repealed by the Act 14, 15 Vict. cap. 52, shall continue to be paid out of the Consolidated Revenue Fund of this Province; and the Governor may from time to time, by Warrant, advance out of the said Fund, to the Treasurer of the Trinity House of Quebec, and to the Treasurer of the Trinity House of Montreal, respectively, such sums as will, (with any moneys they have in their hands applicable to such purposes,) be sufficient to enable the said Corporations to defray all expenses by them lawfully incurred, and to pay the interest and principal of all debts by them lawfully contracted, at the time when the same become payable, and may in like manner advance to the proper officer the sums required to defray any expenses, which, without the Act last cited, would be payable out of the tonnage dues imposed by the Acts of the Legislature of Upper Canada thereby repealed:

Trinity Houses of Quebec and Montreal not to borrow money.

Provided always, that neither the Trinity House of Quebec, nor the Trinity House of Montreal, shall borrow any sum of money, and that the moneys advanced under this Act to the Treasurers of the said Corporations shall be accounted for in the manner by law provided, with regard to money received and expended by the said Corporations.

Repealing clause.

98. The enactments contained in the following Acts and parts of Acts relating to Public Works and the Department of

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of Public Works, that is to say ;—the Act passed in the ninth year of Her Majesty's Reign, chapter thirty-seven,—the Act passed in the session held in the tenth and eleventh years of Her Majesty's Reign, chapter twenty-four,—the Acts passed in the twelfth year of Her Majesty's Reign, chapters four and fifteen,—the Acts passed in the session held in the thirteenth and fourteenth years of Her Majesty's Reign, chapters thirteen and fourteen,—the Acts passed in the session held in the fourteenth and fifteenth years of Her Majesty's Reign, chapters fifty-two and fifty-three, and the first section of the Act passed in the same session chapter fifty-seven,—the Acts passed in the sixteenth year of Her Majesty's Reign, chapters twelve and one hundred and sixty,—the Act passed in the twentieth year of Her Majesty's Reign, chapter nineteen,—and the twelfth and thirteenth sections of the Act passed in the twelfth year of Her Majesty's Reign, chapter five,—which were in force immediately before the day when this Act comes into effect, shall be repealed upon, from and after that day, so far as they are inconsistent with this Act or contain any provision not contained in this Act, and shall be superseded by this Act so far they make the same provision in any case as is made therein by this Act ;—but the enactments in this Act so far as they are the same in effect as those so superseded shall be construed as declaratory and as having been in force from the time when the enactments they supersede respectively became law ;—so that (among other things) all rights acquired, all appointments made and all proceedings commenced under any such enactments shall remain valid and be continued under the corresponding enactments of this Act, as being in effect the same law,—And no Act or Enactment repealed by any Act or Enactment hereby repealed shall revive by reason of such repeal.

9 V. c. 37.
10, 11 V. c. 24.
12 V. cc. 4 and 15.
13, 14 V. cc. 13 and 14.
14, 15 V. cc. 52 and 53, and sect. 1 of c. 57.
16 V. cc. 12 and 160.
20 V. c. 19.
Part of 12 V. c. 5.

Saving provision as to things done under repealed Acts.

SCHEDULE A.

PUBLIC WORKS VESTED IN THE CROWN AND PLACED UNDER THE MANAGEMENT OF THE COMMISSIONERS OF PUBLIC WORKS BY THIS ACT, SUBJECT TO THE EXCEPTION IN SECTION TEN.

NAVIGATIONS, CANALS AND SLIDES.

The Welland Canal and Feeder, with the portion of the Grand River, from Cayuga Bridge to its mouth.

The Welland River, from Port Robinson to its mouth, and the Cut at the Chippewa.

All those portions of the Saint Lawrence Navigation, from Kingston to the Port of Montreal, improved at the expense of the Province.

The

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The Lock and Dam at Saint Anne's.

The Scugog River Navigation, and the Navigations connected therewith, viz: From the head of the Lake Scugog to Fenelon Falls, and from thence to Mud Lake and Buckhorn Rapids, by Sturgeon, Pigeon and Buckhorn Lakes. Provided always, that this shall not divest the proprietors of the hydraulic privileges heretofore occupied, possessed or enjoyed by them, or enable Her Majesty, Her Heirs or Successors to grant any new privilege to other parties.

That portion of the Otonabee River, between Peterborough and Rice Lake, with the Lock and Dam at Whitlas' Rapids.

The Rice Lake, and the River Trent from thence to its mouth, including the Locks, Dams and Slides between those points.

All such portions of the Ottawa River, from the City of Ottawa upwards, as have been or shall be improved at the expense of the Province. The Ordnance Canals below the City of Ottawa, and the Rideau Canal and Works.

The Lock and other improvements on the River Richelieu.

The Madawaska River, from the head of the Ragged Chute to the Chats' Lake.

HARBOURS,—LAKE ERIE.

Rondeau Harbour, including the Piers, Breakwaters, and Inner Basin.
Port Stanley Harbour and Inner Basin.
Port Burwell do. do.
Port Dover do. do.
Port Maitland do. do.
Port Colborne do. do.

LAKE ONTARIO.

Port Dalhousie Harbour.
Burlington Bay Canal.
Windsor Harbour.

ROADS.

The Main Provincial Road from Quebec to Sandwich.
The Main Road from Queenston to Hamilton.
The Port Hope and Rice Lake Road.
The Windsor, Scugog and Narrows Bridge Road.
The Main North Road, from Toronto to Lake Huron, at Penetanguishene.
The Hamilton and Port Dover Road.

The

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The London and Port Stanley Road.

The Road from the Village of Dundas to the Township of Waterloo mentioned in the Act of the Legislature of Upper Canada passed in the seventh year of the Reign of King William the Fourth, and intituled, "An Act to authorize the construction of a Macadamized Road from Dundas to Waterloo, in the Gore District."

The bridge over the River Don, on the Kingston Road, at the east end of the City of Toronto, and the said Kingston Road east of the said River, shall not be held to be within the said City or the Liberties thereof, or be under the control of the Corporation thereof, but shall remain under the control of the Commissioner of Public Works, or of any party to whom they may be transferred by order of the Governor in Council.

And the Tolls collected under this Act upon each Road shall be applicable to the improvement of the Road, and the extension of the improved portion thereof,—and the debt due by any Commissioners, District Council or public body, on that portion of any road under the control of the Commissioner of the Public Works, being thereafter payable out of the Provincial Funds.

Provided always, that the Montreal and Quebec Turnpike Trusts, and such portions of the said Roads, respectively, as lie within the limits of any incorporated City or Town, shall not be under the management of the said Commissioner; nor shall such portions of the said Roads as may from time to time be exempted by Proclamation issued by order of the Governor in Council, from the operation of this Act, which portions shall during the period of such exemption, remain subject to the same authorities and provisions of Law as if this Act had not been passed.

BRIDGES.

The Chaudière Bridge near Quebec.
The Cap Rouge Bridge.
The St. Anne de la Pérade Bridge.
The Batiscan Bridge.
The St. Maurice Bridge.
The Union Suspension and other Bridges over the Ottawa River between the city of Ottawa and Hull.
The Trent Bridge at the mouth of the Trent.
The Bridge at the Narrows of Lake Simcoe.
The Dunville Bridge.
The Caledonia Bridge.
The Brantford Bridge.
The Paris Bridge.
The Delaware Bridge.
The Chatham Bridge.

PUBLIC

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PUBLIC WORKS GENERALLY.

And all other Canals, Locks, Dams, Slides, Bridges, Roads or other Public Works, of a like nature, constructed or to be constructed, repaired or improved at the expense of the Province.

SCHEDULE B.

TABLE OF THE MAXIMUM TOLLS TO BE LEVIED UNDER THIS ACT.

	£	s.	d.
On Goods and Merchandize passing through all the Canals between Montreal and Kingston, upwards, per ton weight	0	7	6
The same, downwards	0	5	0
On Steamboats or other vessels, passing through the same, upwards, per ton burthen	0	3	0
Do do do downwards, per ton burthen.	0	0	1½
On Passengers of or over 21 years of age, upwards, each	0	0	6
Do do do downwards, each	0	0	3
Do do under the said age, upwards, each	0	0	3
Do do do downwards, each	0	0	1½
The same Tolls being payable on Goods and Merchandize brought down the River Saint Lawrence past any section or sections of the said Canals, as if they had been brought through the same, excepting always timber brought down in rafts or cribs, and having been cut upon the banks of the Saint Lawrence or Ottawa Rivers, or of the Bay of Quinté, or of the streams running into either of the said Rivers or Bay.			
On Goods and Merchandize passing through the Welland Canal, upwards or downwards, per ton weight	0	7	6
On Steamboats or other vessels passing through the same, upwards or downwards, per ton burthen.	0	0	1½
On Passengers of or over 21 years of age, upwards or downwards, each	0	0	6
Do do under 21 years of age, upwards or downwards, each	0	0	3
On Goods and Merchandize passing through the Chambly Canal, upwards or downwards, per ton weight	0	2	6
On Steamboats or other vessels passing through the same, upwards or downwards, per ton burthen	0	0	1½
On Passengers of or over 21 years of age, upwards or downwards, each	0	0	6
Do do under 21 years of age, each	0	0	3

And

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And on Goods, Vessels, or Passengers passing through any portion or section of the said Canals, respectively, such portion of the above rates as the Governor in Council deems expedient.			
On Goods and Merchandize, Vessels and Passengers passing through any of the Locks mentioned in the Schedule A annexed to this Act, or hereafter to be constructed, and not being on any of the Canals aforesaid, per ton weight, upwards or downwards, at each Lock	0	0	3
On Steamboats and other vessels, upwards or downwards, per ton burthen.....	0	0	1
On Passengers of or over 21 years of age, upwards or downwards, each.....	0	0	4
Do do under 21 years of age, upwards or downwards, each.....	0	0	2
For the use of the several Public Harbours mentioned in the said Schedule A,—			
For each ton weight of Goods or Merchandize landed or shipped.....	0	5	0
On Steamboats and other Vessels using any such Harbour, per ton burthen, per diem.....	0	0	0½
On Passengers embarked or disembarked, of or over 21 years of age, each.....	0	0	1
Do do do under 21 years of age, each..	0	0	0½
For the use of the several Slides mentioned in the said Schedule A,—			
For each Crib of hard wood Timber, Masts, Staves or Sawed Lumber.....	0	12	6
For each Crib of other Timber or of Saw Logs....	0	10	0
On the several Public Roads mentioned in the said Schedule A, at each gate thereon, and for each time of passing such gate,—			
For each vehicle of any kind and one horse or other beast of draught and not more than ten hundred weight of load, (each additional ten hundred weight being reckoned as one horse, and any fraction of ten hundred weight as ten hundred weight)....	0	0	6
For each additional horse or beast of draught attached to such vehicle, or saddle horse, or other beast and its rider.....	0	0	2
For each horse not attached to any vehicle and without a rider, ox, cow, or head of cattle, or non-enumerated quadruped.....	0	0	1
For each sheep, pig, or goat.....	0	0	0½
On the several Public Bridges mentioned in the said Schedule A, and for each time of passing over the same,—the same Tolls as on the Public Roads aforesaid for animals and carriages;— and for each foot passenger.....	0	0	1

CAP.

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CAP. IV.

An Act to make uniform provision for the distribution of the separate property of the members of partner ships in Lower Canada.

[*Assented to 26th March*, 1859.]

Preamble.

WHEREAS it is expedient to make uniform provision for the manner in which, in Lower Canada, the joint property of a firm and the separate estate of each of the partners should be distributed among the creditors of such firm and the separate creditors of each partner: Therefore, Her Majesty, by and with the advice and consent of the Legislative Council and Assembly of Canada, enacts as follows:

Creditors of the firm to rank first on partnership estate, and separate creditors of each partner first on his separate estate.

1. The rule of law to be followed in the distribution of the joint stock or property of a firm and of the separate estate of each of the partners taken in execution or otherwise brought, or hereafter to be taken in execution or otherwise brought into Court for distribution, shall be the following, that is to say: That the net proceeds of the partnership estate be appropriated in the first instance to pay the creditors of the firm, and that the net proceeds of the separate estate of each partner be appropriated in the first instance to pay his separate creditors, and that if there be any balance of the separate estate of any partner after payment of his debts, such balance be added to the proceeds of the partnership estate, if necessary, for the payment of the creditors of the firm; and that if there be any balance of the partnership estate after payment of the debts of the firm, such balance be appropriated among the separate estates of the respective partners according to their rights and interest therein; and that the sum so appropriated to the separate estate of any partner be applied to the payment of his separate debts, if necessary.

Act limited to L. C.

2. This Act shall apply only to Lower Canada, and shall not affect any judgment of distribution rendered before its passing.

CAP. V.

An Act to facilitate the constituting of Sections of the Bar, and the establishment of Boards of Notaries, in the new Judicial Districts in Lower Canada.

[*Assented to 26th March*, 1859.]

Preamble. 20 Vic. c. 44.

WHEREAS it has become necessary to extend the provisions of "The Lower Canada Judicature Act of 1857," for the constitution of Sections of the Bar and for the establishment

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establishment of Boards of Notaries in the new Judicial Districts in Lower Canada: Therefore, Her Majesty, by and with the advice and consent of the Legislative Council and Assembly of Canada, enacts as follows:

1. The Governor may, whenever circumstances shall, in his opinion, render it expedient that a section of the Bar of Lower Canada should be constituted in and for any District or Districts which he shall think fit to assign as the local limits thereof, issue his Proclamation declaring the same; and upon, from and after the date of any such Proclamation, the District or Districts therein mentioned shall, under the name of "*Bar of Lower Canada, Section of the District* (or *Districts of* ", constitute a separate section of the Bar, and all the provisions of the Act passed in the twelfth year of Her Majesty's reign, chapter forty-six, intituled, *An Act to incorporate the Bar of Lower Canada*, so far as it is not otherwise provided by this Act, and all subsequent Acts in so far as they affect Students at law, shall apply to such section in the same manner as if it had been named in the said Act.

Governor may, by Proclamation, constitute a section of the Bar within certain assigned limits.

Act 12 V. c. 46, &c., to apply.

2. The Council of every such section shall consist of three members of the Bar, besides a Batonnier, Syndic, Treasurer and Secretary.

Council of such section.

3. The first election of the Council in any such section shall take place within three months after the date of such proclamation, at a meeting to be held at the Court House of the District of the section for which such election shall take place, which meeting shall be called by at least five members of the Bar practising within the limits of the section, by public notice to be inserted in the *Canada Gazette* at least fifteen days before such meeting, and by a public notice posted up at the Court House of the section where such meeting shall take place, at least eight days before such meeting; Provided always, that if the limits of such section include two or more Districts, the place at which the election shall be held, shall be named in such proclamation, and the notice of such meeting shall be posted up at the Court House of each District within the limits of such section; and the ordinary meetings of the Council and of the members of any such section shall be held at the place where such first election shall have taken place.

First Election in such section.

Notice.

If the section includes more than one District.

Place of meeting of Council.

4. No such election shall take place unless there be present at the meeting so called, at least eight members of the Bar practising within the limits of the section.

No election unless 8 Members are present.

5. The Governor, whenever it shall appear to him that circumstances render it expedient, may issue a proclamation authorizing the establishment of a Board of Notaries in and for any District or Districts which he shall think proper to assign as the local limits within which such Board shall have jurisdiction;

Governor may, by Proclamation, constitute a Board of Notaries, for any Dis-

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trict or Districts.

jurisdiction; and any Board of Notaries established under such authority shall have all the powers, rights and privileges vested in or by law belonging to any now existing Boards of Notaries, so far as it is not otherwise provided by this Act.

Number of Members. Quorum.

6. Every such Board shall be composed of nine members, and the quorum for the despatch of business shall be six.

Time of first election.

7. The first election of members of any such Board shall take place within three months after the date of such proclamation, at a meeting to be held at the Court House of the District for which such Board is to be established, which meeting shall be called by the Prothonotary of the District, by public notice to be inserted in the *Canada Gazette* at least fifteen days before such meeting, and by a public notice posted up at the Court House of the District where such meeting shall take place, at least eight days before such meeting; Provided always that if such Board be for more than one District, the place at which the election shall be held, shall be named in such proclamation, and the notice of such meeting shall be given by the Prothonotaries jointly, and shall be posted up at the Court House of each District for which such Board is to be established.

Notice.

Proviso: If the Board be for more than one District.

Subsequent elections after the first.

8. All subsequent elections shall be held at the times and in the manner prescribed by the Acts regulating the now existing Boards of Notaries; and meetings of any Board of Notaries established under the authority of this Act shall be held at the place where the first election shall have taken place, and shall be called in the manner prescribed by the above Acts, but by insertion of a notice thereof in the French and English languages in the *Canada Gazette*; and the said Acts and all Acts affecting Notarial Students, shall in all respects apply as fully to the Boards to be hereafter established as they now apply to those already established, except as hereinbefore specially provided.

Notice.

Certain Acts, to apply.

If the Advocates or Notaries in any Section fall below a certain number, the Section or Board may be dissolved by Proclamation.

Effect of such dissolution.

9. Whenever it shall be made known to the satisfaction of the Governor that within the limits of any section of the Bar of Lower Canada, or within the limits of the jurisdiction of any Board of Notaries, which may have been respectively constituted or established under the authority of a Proclamation, that the number of Members of the Bar or of Notaries, practising therein respectively, has been so reduced as to be insufficient for the working of any such section of the Bar or Board of Notaries, it shall be lawful for him to dissolve, by proclamation, such section or Board, and to unite, from and after a day to be mentioned in such proclamation, the limits within such section or under the jurisdiction of such Board, or any District embraced therein, to some other section or sections, or to the limits of some other

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other Board or Boards; and any such section or Board so dissolved shall be subject to the laws and regulations governing the section or Board to which it shall be united and of which it shall become part.

CAP. VI.

An Act to restrain the sale of intoxicating liquors from Saturday night till Monday morning.

[*Assented to 26th March*, 1859.]

WHEREAS it is expedient to restrain the sale of intoxicating liquors during certain periods: Therefore, Her Majesty, by and with the advice and consent of the Legislative Council and Assembly of Canada, enacts as follows: **Preamble.**

1. In all places where, by the laws of that part of this Province called Upper Canada, intoxicating liquors are or may be allowed to be sold by wholesale or retail, no sale or other disposal of the said liquors shall take place therein or on the premises thereof, or out of or from the same, to any person or persons whomsoever, from or after the hour of seven of the clock on Saturday night till the hour of eight of the clock on Monday morning thereafter, and during any further time on the said days and any hours on other days during which by any By-law of the Municipality wherein such place or places may be situated, the same or the bar-room or bar-rooms thereof ought to be kept closed, save and except to travellers lodging at, or ordinary boarders lodging at the place or places where such liquor is sold, and save and except in cases where a requisition, for medicinal purposes, signed by a licensed medical practitioner or by a justice of the peace, is produced by the vendee or his agent, nor shall any such liquors be permitted or allowed to be drunk in any such places, except as aforesaid, during the time prohibited by this Act for the sale of the same. **No intoxicating liquors to be sold at certain times, in any tavern, etc.** **Exception.** **Nor shall such liquor be drunk on the premises during the same.**

2. A penalty for the first offence of not less than twenty dollars, with costs, in case of conviction, shall be recoverable from, and leviable against the goods and chattels of the person or persons who are the proprietors in occupancy, or tenants or agents in occupancy, of said place or places, who shall be found by himself or herself or themselves or his, her or their servants or agents, to have contravened the enactment in the first section hereof, or any part thereof;—for the second offence, a penalty against all such of not less than forty dollars, with costs,—for a third offence, a penalty against all such of not less than one hundred dollars, with costs, and for a fourth or any after offence, a penalty against all such of not less than three months' imprisonment with hard labor, in the common gaol of the County wherein such place and places **Penalty.** **First offence.** **Second offence.** **Third offence.** **Fourth offence.**

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Proof of former offence.

may be, the number of said offences to be ascertained by the production of a certificate from the convicting Justice, or by other satisfactory evidence to the Justice before whom the information or complaint may be made; and it is hereby enacted that convictions for several offences may be made under this Act although such offences may have been committed in the same day: Provided always, that the increased penalties hereinbefore imposed shall only be recoverable in the case of offences committed on different days.

Proviso.

Who may prosecute.

Limitation of suits.

3. Any person or persons may be the informant or informants, complainant or complainants, in prosecuting under this Act; all proceedings shall be begun within twenty days from the date of the offence, all informations, complaints or other necessary proceedings may be brought and heard before any one or more Justices of the Peace of the County where the offence or offences were committed or done, and the mode of procedure in, and the forms appended to, the Act sixteenth Victoria, chapter one hundred and seventy-eight, for summary proceedings, may be followed as regards the cases and proceedings under this Act.

Procedure.

Application of penalties.

4. The said penalties in money, or any portion of them which may be recovered, shall be paid to the convicting Justice or other acting Justice in the case, and by him paid equally, one half to the informant or complainant, and the other half to the Treasurer of the Municipality where the place or places referred to are situated.

Interpretation.

5. The word "Liquors" shall be understood to mean and comprehend all spirituous and malt liquors, and all combinations of liquors or drinks which are intoxicating.

Act limited to U. C.

6. This Act shall apply to Upper Canada only.

CAP. VII.

An Act to enable County Councils to raise money for assisting persons in certain cases to sow their land, and for other purposes.

[*Assented to 26th March*, 1859.]

Preamble.

WHEREAS from the failure last year of the crops in some of the townships of Upper Canada, many persons will not be able to procure seed, without assistance, and it is expedient to empower County Councils to raise money for their relief: Therefore, Her Majesty, by and with the advice and consent of the Legislative Council and Assembly of Canada, enacts as follows:

1.

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1. Notwithstanding any law in force in Upper Canada, the Council or Provisional Council of any County may pass a By-law or By-laws for raising money not exceeding in the whole twenty thousand dollars, to be expended in the purchase of seed, and for the relief of persons suffering from the failure of the crops, and for no other purpose; and the debentures issued under such By-laws shall be a charge on the County.

County Councils may raise money for procuring seed, &c.

2. Such By-law shall be in the form of Schedule A to this Act, and the sections numbered 222, 223 and 224 of the Upper Canada Municipal Act of 1858, shall not apply thereto.

Form of By-law, &c.

3. The County Council or Provisional County Council shall lend the money so raised, in such sums as they may deem expedient, to Township Councils requesting the same, and shall impose and levy a special rate in each year against the Municipality so borrowing, over and above all other County rates, until the loan and interest are repaid.

Money to be lent to Township Councils. Special rate to re-pay it.

4. The Township Councils shall lend the money so borrowed, and may also lend any surplus Township funds in their possession not otherwise appropriated, to the persons aforesaid, for the purposes aforesaid.

Township Councils may lend to individuals;

5. The Township Councils, if they deem it expedient, may purchase seed and deliver the same to the persons aforesaid, in place of the money.

Or purchase and lend seed.

6. The Township Council shall, by By-law, declare the time within which such loan shall be repaid, and shall impose, levy and collect a special annual rate, over and above all other rates, against the estate, real and personal, of the party borrowing, and all the rights and remedies shall apply thereto which now or at any time hereafter shall apply to the collection of any other rate or tax upon such land, or the Council, if it see fit, may take other security, real or personal, for the payment of such loan.

Council to fix time for re-payment; mode of securing or enforcing payment.

7. No money raised under this Act shall be applied to any other purpose, and any surplus thereof unapplied shall be added to the sinking fund for the redemption of the County Debentures issued as aforesaid.

Money raised to be applied solely to purposes of this Act.

8. No money lent or seed delivered under this Act shall be seized in execution, garnished or attached.

Money and seed lent not to be attached.

9. No By-law shall be passed and no Debentures shall be issued under any By-law passed in pursuance of this Act after the first day of November, one thousand eight hundred and fifty-nine.

No such By-law to be passed after 1st Nov., 1859.

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A certain By-law of Bruce County, confirmed.

10. The By-law hereto annexed as Schedule B, of the Provisional Municipal Council of the County of Bruce, passed on the twenty-sixth day of February last, intituled, "By-law for providing means to relieve the destitution existing and increasing in the County of Bruce, and to supply a sufficiency of seed-grain and provisions for the inhabitants prior to the ensuing harvest," shall have the same force and effect as if passed under the authority of this Act, and shall be subject to the same conditions and restrictions, for levying of taxes for the redemption of the said Debentures and the payment of the interest accruing on the said Debentures as if the said By-law was in the precise words of Schedule A of this Act.

Act limited to U. C.

11. This Act applies to Upper Canada only.

SCHEDULE A.

BY-LAW No.

Enacted by the County Council of the County of , under and by virtue of the Statute of this Province passed in the year one thousand eight hundred and fifty-nine, intituled, *An Act to enable County Councils to raise money for assisting persons in certain cases to sow their land, and for other purposes.*

Whereas it is expedient to raise the sum of $, to be applied for the purposes in the said Statute set forth: Be it therefore enacted, under the authority of the said Statute, That the said sum be forthwith raised for such purposes, and that the Warden do cause debentures of the County of to be issued for the sum of $, which Debentures shall be payable within ten years, at furthest, from the date hereof, and shall bear interest at the rate of six per cent. per annum, payable half yearly, on the thirtieth day of June and thirty-first day of December in each year, principal and interest to be payable at , in the Town of .

And whereas the sum of $ will require to be raised annually for paying the said debt and interest at the time and in the manner aforesaid, and whereas the amount of the whole rateable property in the said County, according to the last revised Assessment Rolls, amounts to $; Be it therefore further enacted, that the sum of in the dollar on the said gross rateable value of property be levied and collected in each year, over and beyond all other rates, general and special, for the purpose of paying the interest on and creating a sinking fund to pay the said sum of $ raised under the authority of this By-law and the Statute aforesaid.

SCHEDULE

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SCHEDULE B.

BY-LAW

For providing means to relieve the destitution existing and increasing in the County of Bruce, and to supply a sufficiency of seed, grain and provisions for the inhabitants prior to the ensuing harvest.

Whereas an unforeseen and sudden emergency has occurred, whereby, in consequence of the failure of the crops, there is not a sufficiency of grain in the County of Bruce to sustain the population, and supply seed for the approaching Spring;

And whereas it is urgently necessary to take timeous steps to meet such an emergency, and adopt the most advisable mode of alleviating the consequent distress, which it is believed would be the best accomplished by the opening and improvement of roads throughout the County, and thus providing profitable labour to the inhabitants ;

And whereas there is good reason to believe that the several branches of the Legislature, fully alive to the necessity of aiding to afford the necessary relief, will, by special Act of Parliament, legalize this By-law, having for its object the supplying of the above stated wants of the inhabitants of the County of Bruce ;

And whereas it is expedient for the Provisional Municipal Corporation of the said County of Bruce, to raise, by way of loan, the sum of eight thousand five hundred pounds currency or thereby, for the purposes above recited ;

And whereas it will require the sum of eleven hundred and fifty-six pounds to be raised annually by special rate for paying the said debt and interest at the rate of six per cent per annum, in ten years from the day on which this By-law will take effect ;

And whereas the amount of the whole rateable property in the County of Bruce, according to the last revised Assessment Rolls, is six hundred and fifty-four thousand three hundred and fifty-nine pounds ;

And whereas the annual special rate in the pound for paying the interest and creating a yearly sinking fund for paying the principal of the said debt according to law, is, in addition to all other rates, seventeen-fortieth parts of a penny in the pound ;

And whereas the said Provisional Municipal Corporation of the said County of Bruce, have agreed to raise the said sum of eight thousand five hundred pounds currency, by way of loan, for the purposes aforesaid :

Be

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Be it enacted by the Provisional Municipal Corporation of the County of Bruce, in Council assembled, as follows:

First.—It shall and may be lawful for the Provisional Warden of the said County to raise, by way of loan, at a rate of interest not exceeding six per cent per annum, from any person or persons, body or bodies corporate or politic, who may be willing to advance the same upon the credit of Debentures hereinafter mentioned, a sum of money, not exceeding in the whole the sum of eight thousand five hundred pounds currency, and to cause the same to be lodged in the office of the agency of the Bank of Upper Canada at Southampton, to be applied according to the intent and meaning of this By-law, and for the purposes above mentioned;

Second.—It shall and may be lawful for the said Provisional Warden to cause such number of Debentures to be made out from time to time, and for such sums, as he may be authorized by the said Provisional Municipal Corporation, but not exceeding in the whole the said sum of eight thousand five hundred pounds currency, as any person or persons, body or bodies corporate or politic, shall agree to advance upon the credit of the said Debentures, and the special rate hereinafter imposed; Provided always that the said Debentures shall not be for less sums than one hundred pounds each;

Third.—The said Debentures shall be payable in the currency money of this Province, and shall bear interest from the dates thereof at the rate of six per cent per annum, which interest shall be payable at the Office of the Bank of Upper Canada in Toronto, on the twenty-fifth day of January, in each year, and they shall be sealed with the Seal of the Corporation, and signed by the Provisional Warden, and shall have coupons attached to each for the said interest, and the said Debentures, shall be payable in ten years from the day on which this By-law shall take effect;

Fourth.—For the payment of the said Debentures and the yearly interest thereon, there shall be levied and raised on the whole rateable property in the said County according to the last revised Assessment Rolls for the same, a special rate in each year during the said period of ten years, and in addition to all other rates whatsoever, of seventeen-fortieth parts of a penny in the pound, or a rate equivalent thereto on the whole rateable property in the several Townships and Incorporated Villages in the County in which portions of said amount have been expended, and in proportion to the amount so expended in each, to pay the interest on the said Debentures in each year, and for the purpose of creating a yearly sinking fund for the payment and redemption of the same.

Fifth.—

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Fifth.—That this By-law shall take effect, and come into operation on the day, and so soon as, an Act of the Provincial Parliament for legalising the same shall become law.

Passed February 25th, 1859.

(County Seal.)

(Signed), J. VALENTINE,
Pro. Warden.

(Signed), WM. C. BRUCE,
Pro. Clerk.

We certify that the above is a true and correct copy of a By-law passed by the Provisional Municipal Corporation of the County of Bruce, on the twenty-fifth day of February, in the year of Our Lord one thousand eight hundred and fifty-nine.

J. VALENTINE,
Pro. Warden.

WM. BRUCE,
Pro. Clerk, County of Bruce.

Paisley, 26th February, 1859.

CAP. VIII.

An Act to detach the local Municipality of the Parish of St. Antoine de l'Isle aux Grues from the Municipality of the County of Montmagny, and to erect the same into a separate local Municipality.

[*Assented to 26th March*, 1859.]

Preamble.

WHEREAS the Parish of St. Antoine de l'Isle aux Grues, and the Islands adjacent, in the County of Montmagny, are separated from the main land by a wide expanse of water, and it has become requisite that these localities together should form a Municipality, separate from and independent of any County Municipality: Therefore, Her Majesty, by and with the advice and consent of the Legislative Council and Assembly of Canada, enacts as follows:

St. Antoine detached from Montmagny and made a separate Municipality.

1. Upon, from and after the first day of January next, the Parish of St. Antoine de l'Isle aux Grues, and the Islands adjacent thereto, in the county of Montmagny, shall, together constitute a distinct and separate Municipality, under the name of the Local Municipality of the Parish of St. Antoine de l'Isle aux Grues, which said Municipality shall not form part of any County Municipality, but shall continue to have its local council as provided by the Lower Canada Municipal

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Municipal and Road Act of 1855, and the Acts amending the same; and all appeals and revisions which ought to be made to and by County Municipalities, in virtue of the said Acts, shall be made to and by the Circuit Court within whose jurisdiction the said Municipality lies, and the said Court is hereby specially authorized to take cognizance thereof, and give judgment therein as the County Municipality and in the same manner, the Clerk of the said Court acting in the stead of the Clerk of the Council; but the said Isle aux Grues shall continue to form part of the said County for all other purposes.

As to appeals, revisions, &c.

Public Act.

2. This Act shall be deemed a Public Act.

CAP. IX.

An Act to enable the Rector of the Protestant Parish of Montreal, with the consent of the Bishop and Church Wardens, to raise a loan on certain Church property for the purpose of finishing the Parish Church.

[*Assented to 26th March*, 1859.]

Preamble.

WHEREAS the Very Reverend John Bethune, Doctor of Divinity, Dean of Montreal, and Rector of the Parsonage or Rectory and Parish Church of Montreal, hath by his Petition to the Legislature represented, that the former Parochial Church of the said Parish having been consumed by fire, and the site thereof having been thereafter sold, he the said Very Reverend John Bethune, in his capacity aforesaid, hath purchased the lot of ground hereinafter mentioned and described, as a site for building a new Parochial or Parish Church of the said Parish, and such new Church hath in great part been built thereon, but cannot for want of sufficient funds be completed; and the Petitioner hath prayed for authority to raise a loan for the purpose of completing the said Church, on the security of the said lot of ground and of the Church and buildings thereon, which prayer it is expedient to grant: Therefore, Her Majesty, by and with the advice and consent of the Legislative Council and Assembly of Canada, enacts as follows:

The Rector, with the consent of the Bishop and Church Wardens, may raise money on the security of certain Church property.

1. It shall be lawful for the said Very Reverend John Bethune, or his successor or successors in office, as the Rector of the Parsonage or Rectory and Parish Church of Montreal, with the consent of the Bishop of the Protestant Diocese of Montreal for the time being, and of the Church Wardens of the said Parish, for the time being, to borrow a sum or sums not exceeding in the whole ten thousand pounds, currency, from such party or parties as may be willing to lend the same, and at such rate of interest and on such terms and conditions

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conditions as may be agreed upon,—for the purpose of completing the said New Parochial Church of the said Parish,—and for securing the repayment of the sum so borrowed, to hypothecate, with the consent aforesaid, the lot of ground hereinafter described, with the Church and other buildings thereon, all which are now vested in the said very Reverend John Bethune and his successors in his office aforesaid; that is to say: All that lot of ground situate, lying and being in the said City of Montreal, and forming one block; bounded as follows: to the north-east by Union Avenue, to the south-east by St. Catherine street, to the south-west by University street, and on the north-west by the property of the Lord Bishop of Montreal aforesaid, and containing, the said block, two hundred and eighty-one feet in width on Union Avenue and a like width on University street, by one hundred and ninety-eight feet in depth on St. Catherine street from Union Avenue to University street, and one hundred and ninety-five feet ten inches from the same to the same at the rear or north-west end, the whole English measure,—and in default of due payment of any sum for securing which the said lot of land, Church and buildings shall be hypothecated as aforesaid, the said land, church and buildings may be seized in execution, in satisfaction of any judgment obtained for such sum, sold by the Sheriff, and adjudged, and shall belong to and may be dealt with by the purchaser (or *adjudicataire*) in like manner as any other real property seized and sold in execution, and notwithstanding the said Church and premises may have been set apart, consecrated and used for Public Worship—any law, usage or custom to the contrary notwithstanding.

Lot described.

In default of payment the said lot may be sold in execution, &c.

2. This Act shall be deemed a Public Act.

Public Act.

CAP. X.

An Act to amend and explain *An Act to define the Elective Franchise, to provide for the Registration of Voters, and for other purposes therein mentioned.*

[*Assented to 4th May*, 1859.]

WHEREAS it is, in and by the fourth section of the Act passed in the twenty-second year of Her Majesty's Reign, and intituled, *An Act to define the Elective Franchise, to provide for the Registration of Voters, and for other purposes therein mentioned*, amongst other things enacted, that the Clerk of each Municipality in Upper Canada shall, after the final revision and correction of the Assessment Roll, forthwith make a correct alphabetical list of all persons entitled to vote at the election of a Member of the Legislative Council and Assembly within such Municipality, according to the provisions of the said Act; and that all such lists shall be completed and delivered as thereinbefore mentioned on or before the first day of October in

Preamble.

22 V. c. 82.

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in each year; And whereas doubts have arisen as to the effect of the enactment requiring that the said lists should be completed and delivered on or before the first day of October in each year: Therefore, Her Majesty, by and with the advice and consent of the Legislative Council and Assembly of Canada, declares and enacts as follows:

True intent of the provision appointing the time for the completion of the List of Voters under section 4.

1. It was and is the meaning and intention of the said Act and of the clause hereinbefore recited, that the period therein mentioned within which the lists should be completed and delivered, that is to say, the first day of October, in each year, shall be directory only to the Clerk of each Municipality in Upper Canada, and that nothing therein contained should render null, void or inoperative the said lists, in the event of their not being completed and delivered as in the said Act mentioned on or before the period aforesaid, but that the said lists shall be valid and effectual for the purposes of the said Act, even though not so completed and delivered by the said period of time.

Penalty for not complying with the said section.

2. If any Clerk of a Municipality in Upper Canada shall omit, neglect or refuse to complete or deliver the said lists on or before the first day of October in each year, according to the directions of the fourth section of the said Act, or to perform any of the obligations or formalities therein required of him, such Clerk for each such omission, neglect or refusal, shall incur a penalty of two hundred dollars.

This section to apply only to L. C.

And, for avoiding doubts under those provisions of the said Act which relate to Lower Canada, it is declared and enacted by the following sections of this Act which apply only to Lower Canada, as follows:

Valuators or Assessors in L. C. to insert certain matters in their Rolls.

18 V. c. 100.

3. Notwithstanding any thing contained in *The Lower Canada Municipal and Road Act of* 1855, in the Acts amending the same, or in any Act incorporating any City or Town in Lower Canada, every Assessor, Valuator or other person employed to make the Valuation or Assessment Roll of property in any City, Town, Village, or other local Municipality in Lower Canada, shall insert in such roll, in separate columns and in addition to the information now required by law to be inserted, the actual value of every real property, the annual value of, or income derived or derivable from every such property, and the names of the owners, tenants or occupants (each in separate columns) of every such property:

Payments in produce, &c., to be reckoned part of the rent.

2. And whenever the rent, or any part of the rent of any real property is made payable in produce, or otherwise than in money, or any premium is paid, or any improvements are to be made by the tenant, or any other consideration is stipulated in favor of the owner, in reduction of the rent,—the Assessor or Valuator shall take into consideration and allow for such produce,

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produce, premium, improvement or consideration in establishing the annual rent or value of such property.

Valuation or Assessment Rolls to be attested on oath.

4. Every Valuation or Assessment Roll, every revised Valuation or Assessment Roll, and every List of Voters, made under the provisions of this Act, of the Acts hereby amended, or of any other Act, shall be subscribed or attested by the person or persons making the same, and by any person employed under the authority of the second sub-section of the sixty-fifth section of *The Lower Canada Municipal and Road Act of* 1855, if any such person be so employed, and attested by his or their oath or affirmation, in the following form:

The oath.

"*I*, (*or*, we severally and each for himself,) do "swear (*or* solemnly declare) that to the best of my (*or* our) "knowledge and belief, the above (*here insert title of document* "*as* Valuation *or* Assessment Roll, revised Valuation or As- "sessment Roll, *or* list of Voters, *as the case may be*,) is correct, "and that nothing has been improperly and fraudulently in- "serted therein, or omitted therefrom."

Before whom to be made.

And such oath or affirmation shall be made before a Justice of the Peace who shall attest the same;—and the wilful making of any false statement in any such oath or affirmation, shall be wilful and corrupt perjury, and punishable as such, as provided by the Interpretation Act, which shall apply to this Act.

False statement to be perjury.

If no List exist for any year, the then last List to be taken.

5. If at the time of any election, no list of voters for the current year shall have been made or shall exist, the Returning Officer and Deputy Returning Officers for such election shall be furnished with the list of Voters last made or existing and shall govern themselves thereby, and such list shall have the same effect as if it were the list for the current year.

Persons omitted from the List because they are not on the Assessment Roll, &c., may complain and appeal.

6. Whenever the name of any voter entitled to have his name entered on the Valuation or Assessment Roll, or on the revised Valuation or Assessment Roll, is omitted from the list of Voters, in consequence of its having been omitted from any such Roll or revised Roll, it was and is the intention of the Act herein first above cited and amended, that such person should have the same right of complaint and of appeal in order to have his name placed on the said list of Voters, as if it had been omitted from the said list after having been inserted in such Roll or revised Roll.

If the List of Voters is not furnished to any Deputy Returning Officer: the Returning Officers shall procure it

7. If the Clerk or Secretary Treasurer of any City or Municipality in Lower Canada does not furnish to every Deputy Returning Officer acting in such City or Municipality, or in any Ward or Division thereof, a true copy or copies of the proper list of voters, or of so much thereof as relates to the locality for which such Deputy Returning Officer is to act, or as required by the eighth sub-section of the fifth section of the said first cited

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from the Registrar.

cited Act, the Returning Officer shall procure from the Registrar of the County or registration division, or if he be himself such Registrar shall furnish a copy certified by him to be correct, of the then last list of voters for such Municipality, part of a Municipality or Ward, filed in his office, and shall cause the same to be delivered to the Deputy Returning Officer; and the cost of such copy shall be paid by the Clerk or Secretary Treasurer, in default, and may be recovered from him or from the Municipality of which he is such Officer, by the Returning Officer or Registrar who shall have procured or furnished such copy.

Cost.

Interpretation of words "Occupant,"

8. The word "Occupant" in the said first cited Act shall, in Lower Canada, signify a person occupying property, otherwise than as owner, tenant, or usufructuary, either in his own right, or in the right of his wife, but being in possession of such property and enjoying the revenues and profits arising therefrom,—and the word "Tenant" shall include any person who instead of paying rent in money is bound to render to the owner any portion of the produce of such property.

"Tenant."

CAP. XI.

An Act to repeal *An Act to improve the mode of obtaining evidence in cases of Controverted Elections.*

[*Assented to 4th May*, 1859.]

Preamble.

HER Majesty, by and with the advice and consent of the Legislative Council and Assembly of Canada, enacts as follows:

Act 20 V. c. 23, repealed.

1. The Act passed in the twentieth year of Her Majesty's Reign, intituled, *An Act to improve the mode of obtaining evidence in cases of Controverted Elections*, shall be and the same is hereby repealed; Provided that all proceedings heretofore had and taken under the said Act, shall be held and deemed to be as valid and binding as if the said Act had not been repealed.

Proviso.

CAP. XII.

An Act for indemnifying the Members of both Houses of the Legislature for their expenses in attending the Sessions thereof.

[*Assented to 4th May*, 1859.]

Preamble.

WHEREAS it is expedient to repeal the Act hereinafter mentioned, and to make provision for indemnifying the Members of both Houses of the Provincial Legislature for their expenses in attending the Sessions thereof: Therefore, Her

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Her Majesty, by and with the advice and consent of the Legislative Council and Assembly of Canada, enacts as follows:

1. The Act passed in the twelfth year of Her Majesty's Reign, and intituled, *An Act to indemnify Members of the Legislative Assembly for their expenses in attending the Sessions of the Legislature*, shall be and is hereby repealed. Act 12 V. c. 33, repealed.

2. In each Session of the Provincial Parliament, after the present Session, there shall be allowed to each Member of the Legislative Council or of the Legislative Assembly, attending at such Session, six dollars for each day's attendance, if the Session do not extend beyond thirty days; and if the Session extends beyond thirty days, then there shall be payable to each Member of the Legislative Council or of the Legislative Assembly attending at such Session, a Sessional allowance of six hundred dollars, and no more. Allowance for attendance at the Sessions of the Legislature.

3. A deduction at the rate of five dollars per day shall be made from the said compensation, for every day on which the Member shall not attend a sitting of the House of which he is a Member, or of any Committee thereof; but each day during the Session on which there shall have been no sitting of such House, or on which the Member shall have been prevented by sickness from attending any sitting, but on which he shall, in either case, have been in the place where the Session is held, shall be reckoned as a day of attendance at such Session. Deductions for non-attendance, &c.

4. The said compensation may be paid from time to time as the Member becomes entitled to it, to the extent of four dollars for each day's attendance as aforesaid, but the remainder shall be retained by the Clerk of the proper House, until the close of the Session, when the final payment shall be made. When such allowance shall be paid.

5. There shall be also allowed to each Member of the Legislative Council or of the Legislative Assembly, ten cents for each mile of the distance between the place of residence of such Member and the place at which the Session shall be held, reckoning such distance going and coming. Allowance for mileage.

6. The sum due to each Member at the close of any Session shall be paid to him by the Clerk of the House of which he is a Member, on his making and signing, before the Clerk or Accountant of the House, a solemn declaration to be kept by the Clerk, stating the number of days' attendance and the number of miles of distance for which such Member is entitled to the said allowance, and the amount of such allowance, after deducting the number of days (if any), which are to be deducted under the third section of this Act; and such declaration may be in the Form A hereunto annexed, and shall have the same effect as an affidavit in the same form. Balance to be paid at the end of the Session on the Member's declaration. Form.

7.

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Grant for paying the said allowances.

7. There is hereby granted to Her Majesty, out of any unappropriated moneys forming part of the Consolidated Revenue Fund of this Province, an annual sum, sufficient to enable Her Majesty to advance to the Clerk of the Legislative Council and to the Clerk of the Legislative Assembly, respectively, such sums as may be required to pay the estimated amount of the sessional allowance hereinbefore mentioned.

Clerk to account for moneys received under this Act.

8. The Clerk of the Legislative Council and the Clerk of the Legislative Assembly, shall respectively account for all moneys received by them under this Act, in the same manner as for moneys advanced to them for the contingent expenses of the said Legislative Council and Assembly, and they may respectively apply any surplus thereof to the payment of such contingent expenses, and may supply any deficiency of such estimated amount, out of any moneys in their hands respectively, applicable to the payment of such contingent expenses.

Short Title.

9. This Act shall be known and may be cited as "The Members' Indemnity Act, 1859."

SCHEDULE. FORM A.

I, A. B. one of the Members of the Legislative Council (*or* Assembly) solemnly declare, that I reside at , in , which is distant miles from , where the session of the Provincial Parliament which began on the day of , one thousand eight hundred , was held: That during the said session I was present days at where the session was held; and that on each of the said days on which there was a sitting of the said Legislative Council (*or* Assembly) I attended such sitting or a sitting of some Committee thereof,—(*if the Member has not attended on any such day or days, say*—except only on days,—*and if the Member was prevented by sickness from attending on any of the said days, add*—on of which days, I was prevented by sickness from attending any such sitting, though I was then present at as aforesaid.)

Wherefore, I am under the Members' Indemnity Act of 1859, entitled to the sum of dollars, cents, for travelling expenses, and to the sum of dollars for my allowance for attending at the said session.

(*Signature,*) A. B.

Declared before me this day of , one thousand eight hundred .

C. D.

Clerk *or* Accountant of the Legislative Council *or* Assembly.

CAP.

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CAP. XIII.

An Act for granting to Her Majesty certain sums of money required for defraying certain expenses of the Civil Government for the year 1859, and for certain other expenses connected with the public service.

[*Assented to 4th May*, 1859.]

MOST GRACIOUS SOVEREIGN:

WHEREAS by Messages from His Excellency Sir Edmund Walker Head, Governor General of British North America, and Captain General and Governor in Chief in and over this Province of Canada, and the Estimates accompanying the same, laid before both Houses of the Provincial Parliament, it appears that the sums hereinafter mentioned are required to defray certain expenses of the Civil Government of this Province and of the Public Service thereof, for the year one thousand eight hundred and fifty-nine: May it therefore please Your Majesty that it be enacted, and be it enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Assembly of Canada, that,— Preamble.

1. From and out of the Consolidated Revenue Fund of this Province, there shall be and may be paid and applied a sum not exceeding in the whole the sum of two millions and sixty thousand, one hundred and thirty dollars and thirty cents, for defraying the several charges and expenses of the Civil Government and Public Service of this Province for the year one thousand eight hundred and fifty-nine, and other purposes set forth in the Schedule to this Act. $2,060,130.-30cts. appropriated for purposes mentioned in the Schedule.

2. Accounts in detail of all moneys received and paid under the authority of this Act, shall be laid before both Houses of the Legislature of this Province at each Session thereof. Accounts to be laid before Parliament.

3. The due application of the moneys expended under the authority of this Act, shall be accounted for to Her Majesty, Her Heirs and Successors, through the Lords Commissioners of Her Majesty's Treasury, in such manner and form as Her Majesty, Her Heirs and Successors shall be pleased to direct. Account to Her Majesty.

SCHEDULE

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SCHEDULE.

SUMS GRANTED TO HER MAJESTY BY THIS ACT, AND THE PURPOSES FOR WHICH THEY ARE GRANTED.

SERVICE.	Amount.	Amount.
Adjutant General of Militia Department.	$ cts.	$ cts.
Salary of six Clerks, viz: $1,600, $1,100; three at $1,000; one at $750—one Messenger at $500 - - - - - - - -	6950 00	
Do of two Inspecting Field Officers of Volunteer Militia, Upper and Lower Canada, for 1859, at $1,600 each - - - - - -	3200 00	
Do of the Provincial Aid-de-Camp, for do -	1600 00	
Do Eight Store Keepers of Armories, at $300 each, for do - - - - - - - -	2400 00	
Do Nineteen Assistant Adjutants General, at $120 each, for do - - - - - -	2280 00	
Contingent expenses for Postages, Stationery, Printing, Repairs of Accoutrements, Transport of Arms, Travelling Expenses of Inspecting Field Officers, and all other incidental expenses attending the Active Force, for the year ending 31st December, 1859 - - -	8000 00	
Care of Arms, Rent of Armories, Gun Sheds and Magazines, and pay of Storemen and Caretakers of Armories of the Active Force - -	5000 00	
Maintenance and Drill of Active Force - - -	40000 00	
		69430 00
Legislative Council.		
Salary of the Speaker - - - - - -	3200 00	
Do of the Clerk - - - - - - -	2000 00	
Do of the Assistant Clerk and French Translator - - - - - - - - - -	1600 00	
Do of the Law Clerk - - - - - -	1000 00	
Do of the Chaplain and Librarian - - -	800 00	
Do of the Gentleman Usher of the Black Rod	400 00	
Do of the Serjeant-at-arms - - - - -	400 00	
Do of the Head Messenger - -	400 00	
Do of the Door-keeper - - - - - -	240 00	
Do of three Messengers for the Session, at $180 each - - - - - - - - -	540 00	
Contingent Expenses - - - - - - -	25,000 00	
Indemnity to the Members for their attendance, at $6 per diem, including travelling at 10 cts. per mile, for the distance between the place of residence of each Member and the place at which the Session is held - - - - -	30,000 00	
		65580 00

SCHEDULE—*Continued.*

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SCHEDULE—*Continued.*

SERVICE.	Amount.	Amount.
	$ cts.	$ cts.
Legislative Assembly.		
Salary of the Speaker - - - - - - -	3200 00	
Do of the Clerk - - - - - - -	2000 00	
Do of the Assistant Clerk - - - - -	1600 00	
Do of the Law Clerk and English Translator -	2000 00	
Do of the Clerk of the Crown in Chancery -	600 00	
Contingencies of do do - -	400 00	
Salary of the Serjeant-at-arms - - -	400 00	
Contingent Expenses (exclusive of indemnity to Members) - - - - - - - -	200000 00	
		210200 00
Public Departments.		
Salaries and portions of salaries of Deputies, Clerks and Messengers in the Public Departments, not paid out of the Civil List - - -	- - -	70000 00
Pensions to Officers and Servants of the late Legislative Bodies of Upper and Lower Canada.		
William Ginger, as late Serjeant-at-arms to the Legislative Council, Lower Canada - -	266 66	
Samuel Waller, as Clerk of Committees to do -	400 00	
John Bright, as Messenger of Legislative Council of Lower Canada - - - - - -	80 00	
Louis Gagné, do do Legislative Assembly, Lower Canada - - - - - - -	72 00	
		818 66
Other Pensions.		
Jacques Brien, for wounds received in the Public Service. - - - - - - - -	80 00	
Pierre Bouchard, for wounds received in the Public Service - - - - - - -	100 00	
Mrs. Widow Antrobus - - - - - -	800 00	
Widow McCormick - - - - - -	400 00	
G. B. Faribault, as late Assistant Clerk of the Legislative Assembly - - - - - -	1600 00	
		2980 00
Hospitals and other Charities.		
Aid to the Toronto Hospital - - - - -	8000 00	
Do do do for (County Patients) - -	6000 00	
Do Indigent sick at Quebec, Do do Montreal:—2 at $4,000, -	8000 00	
Do Corporation of General Hospital at Montreal -	5000 00	
Do Emigrant and Marine Hospital, Quebec, Do Kingston General Hospital:---2 at $6,000 -	12000 00	

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SCHEDULE—*Continued.*

SERVICE.	Amount.	Amount.
	$ cts.	$ cts.
Hospitals and other Charities.—Continued.		
Aid Hamilton Hospital - - - - - -	3200 00	
Do Relief of Indigent Sick at Kingston - -	3000 00	
Do to Indigent Sick at Three Rivers, Do Toronto House of Industry :—2 at $2,800 -	5600 00	
Do Saint Patrick Hospital, Montreal - -	2000 00	
Do Les Sœurs de la Providence, at Montreal, Do London Hospital :---2 at $1,400 - -	2800 00	
Do to General Hospital des Sœurs de la Charité, at Montreal, Do Kingston Hôtel-Dieu Hospital :---2 at $1,000,	2000 00	
Do Protestant Orphans' Home, and Female Aid Society, at Toronto, Do Roman Catholic Orphan Asylum, at Toronto, Do Kingston Orphan Asylum, Do Hamilton Orphan Asylum, Do do Roman Catholic do, Do Protestant Hospital at Bytown, Do Roman Catholic do do, Do Montreal St. Patrick's Roman Catholic Orphan Asylum :—8 at $800 - - -	6400 00	
Do Montreal Protestant Orphan Asylum, Do Montreal House of Refuge, Do University Lying-in Hospital at Montreal, Do do under the care of Sœurs de la Miséricorde, Do Lying-in Hospital at Toronto, Do to Asylum of the Good Shepherd, at Quebec, Do Hospice de la Maternité, at Quebec, Do Deaf and Dumb Institution, Montreal :—8 at $600 - - - - - - -	4800 00	
Do to Ladies Benevolent Society, Montreal, for Widows and Orphans, Do Roman Catholic Orphan Asylum, Quebec, Do Male Orphan Asylum, Quebec, Do Charitable Association of the Ladies of the Roman Catholic Asylum, at Montreal, Do Managers Protestant Female Orphan Asylum, Quebec, Do Eye and Ear Institution, Montreal, Do Montreal Dispensary, Do Montreal Home and School of Industry, Do Public Nursery for Children of the Poor, in Toronto :—9 at $400,	3600 00	
Do Canada Military Asylum for Widows and Orphans, Quebec, - - - - - -	200 00	

SCHEDULE—*Continued.*

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SCHEDULE—*Continued.*

SERVICE.	Amount.	Amount.
Hospitals and other Charities.—Continued.	$ cts.	$ cts.
Aid towards support of Lunatic Asylum, at Toronto, - - - - - - -	120000 00	
Do do do temporary do at Beauport, near Quebec, - - - - - -		
		192600 00
Various Public Institutions.		
Aid to the Medical Faculty, McGill College,		
Do School of Medicine, Montreal,		
Do do Kingston,	5000 00	
Do Victoria College, Toronto,		
Do Canadian Institute, at Toronto :—5 at $1,000,		
Do do City of Ottawa,		
Do Athenæum Ottawa :—2 at $400 - - -	800 00	
Mechanic's Institutes for 1858 :—5 at $140 -	700 00	
		6500 00
Contingent Expenses of the Administration of Justice.		
In Upper and Lower Canada, not otherwise provided for - - - - - - - - -	150000 00	
For support of Provincial Penitentiary at Kingston	55000 00	
Do Reformatory Prisons - - -	15000 00	
Additional Salary to John Black, Clerk in Registrar's Office, Court of Chancery - -	300 00	
Do do William Stanley, do Master's Office do - - - - - - -	300 00	
Salary of a Clerk of Process, Court of Queen's Bench and Common Pleas, U. C. - - -	1400 00	
Do of an Extra Clerk, Attorney General's, West Office - - - - - - - -	400 00	
Do Clerk in the Office of the Clerk of the Crown and Pleas, U. C. - - - - -	600 00	
Do Clerk of Assize, Toronto - - -	1200 00	
Additional Salary to Permanent Clerk, Crown Law Department - - - - -	560 00	
Do do to Judge Vice Admiralty Court, Quebec, - - - - - - - - -	1111 14	
		225871 14
Miscellaneous Items.		
Allowance to Pierre Brochu for residing on Kempt Road to assist Travellers thereon,		
Do Jonathan Noble for the same purpose,	400 00	
Do to a resident at the foot of Metapedia for do,		
Do to do at Assametquagan, for do :—4 at $100		

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SCHEDULE—*Continued.*

SERVICE.	Amount.	Amount.
	$ cts.	$ cts.
Miscellaneous Items.—Continued.		
For the Expense of printing and binding the Laws - - - - - - - -	24000 00	
For other Printing and Subscription to, and Advertizing in the Official Gazette - - -	10000 00	
For Expense of distributing the Laws - -	3400 00	
To meet unforeseen Expenses in the various Branches of the Public Service - - -	6000 00	
To defray the Expenses of the Quebec Observatory	2400 00	
Do do do of the Toronto do -	4800 00	
New Indian Annuities - - - - - -	4400 00	
Expenses of protecting the Fisheries in the Gulf	7800 00	
One year's rent of the Protestant Burial Ground in St. John Suburb, Quebec - - - -	93 00	
Aid to the Board of Agriculture, Lower Canada.	4000 00	
Aid to Parliamentary grant, under Act 14 & 15 Vic. Cap. 106, to Indians, Lower Canada	400 00	
Compensation to Pensioners in lieu of land -	12410 00	
Aid towards Emigration Expenses for the present year - - - - - - - - -	12000 00	
Amount required to meet the deficiency of Expenses of Water Police, Quebec, for the present year - - - - - - - -	3000 00	
For the Expenses of the River Police, Montreal, for 1859, $9,000; of which to be borne by the Harbour Commissioners, $3,700, Balance required - - - - - - -	5300 00	
For Tug Service between Montreal and Kingston	24000 00	
For do below Quebec	54000 00	
Aid to Louis Vincent, an Infirm Indian Schoolmaster, Huron Tribe - - - - -	100 00	
Do to Board of Arts and Manufactures, for Upper and Lower Canada, $500 each - -	1000 00	
For the Pay and Contingencies of the Montreal Police Force for December 1858 - -	1094 77	
For Expenses of Red River Expedition for 1858	8000 00	
For Ocean Freight and Insurance on Specie for New Coinage - - - - - - -	5734 73	
		194332 50
Education.		
Aid towards Superior Education Income Fund, Lower Canada - - - - - -	20000 00	
Do do do do Upper Canada	20000 00	
		40000 00

SCHEDULE—*Continued.*

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SCHEDULE—*Continued.*

SERVICE.		Amount.	Amount.
		$ cts.	$ cts.
Education.—Continued.			
Upper Canada Grant distributed as follows: in 1858,	$ cts.		
Aid to Upper Canada College - -	4,444 42		
Do Victoria College - - -	3,000 00		
Do Queen's College - - -	3,000 00		
Do Regiopolis College, Kingston -	3,000 00		
Do Grammar School Fund, U. C.	2,355 58		
Do St. Michael's College, Toronto -	2,000 00		
Do Bytown College - - -	1,400 00		
Do Belleville Seminary - - - -	800 00		
	$20,000 00		
Additional sum for Common Schools, Upper and Lower Canada - - - - - - - [$6,000 of which out of the Lower Canada share for Normal Schools.]		- - -	160000 00
To make good various Incidental Expenses of the Civil Government, incurred during the year 1858, as detailed in Statement No. 59 of the Public Accounts, laid before the Legislature -		- - -	466106 00
PUBLIC WORKS DEPARTMENT.			
Miscellaneous Public Works.			
1. Welland Canal, towards continuation of contract for deepening and widening Canal above Allanburgh, to suit Lake Erie level..		23500 00	
2. St. Lawrence Canals, constructing Head Gates to supply water power at Cornwall Canal, building pier at Lock No. 4, Lachine Canal, to facilitate entrance to Lock.....		7200 00	
3. Ottawa River Navigation, towards erecting Lights, near Green Shoals, Point Valois and Point Clair.....		4000 00	
4. Do. do. lumbering works, towards improvements at High falls, Madawaska River, works on South Branch of the Petawawa River.....		10743 00	

SCHEDULE—*Continued.*

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SCHEDULE—*Continued.*

SERVICE.	Amount.	Amount.
	$ cts.	$ cts.
Miscellaneous Public Works—Continued.		
5. Towards the construction of three Iron Vessels for floating lights on Lake St. Louis to replace decayed wooden ones.....	8400 00	
6. Light Houses, towards purchasing a House and lot at Presqu'Isle, building dwelling Houses on Nicholson's and Burnt Islands.....	1150 00	
7. Saguenay Lumbering Works, completion of slide and other works.....	8275 00	
8. Metapedia Road (North and South), towards continuation of works.....	4000 00	
9. Gaspé and St. Lawrence Road—from North side of Gaspé Bay—towards continuation of..	4000 00	
10. Marine Hospital, Quebec.....	5000 00	
11. Grosse Isle, Quarantine Station.....	2206 00	
12 { Kamouraska Jail, Three-Rivers Court House, Sherbrooke Jail and Court House } To complete certain indispensable repairs.	12938 00	
13. Postal extension to Lake Superior and Red River, also along the Gulf of St. Lawrence to Pictou, in connection with New Brunswick.....	20000 00	
14. Towards procuring and laying down Buoys or Bells on reefs in Lake Erie.....	800 00	
15. Repairs and alterations at Long Point Light House.....	800 00	
16. Towards procuring and laying down Buoys, in Gaspé Bay and Harbour.....	500 00	
17. Public Buildings, repairs, maintenance and rent of.....	40000 00	
18. Awards and arbitrations and to make good damages occasioned by construction of Public Works, and towards repairs of existing works.....	25000 00	
19. Aid towards expense of Georgian Bay Canal Survey.....	2000 00	
		180512 00

SCHEDULE—*Continued.*

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SCHEDULE—*Continued.*

SERVICE.	Amount.	Amount.
	$ cts.	$ cts.
Supplementary Estimates.		
Towards Printing Revised Statutes.....	20000 00	
Colonization Roads.....	50000 00	
Aid to Hamilton Hospital.....	2800 00	
London do	1600 00	
Deaf and Dumb Institution in Toronto....	600 00	
House of Providence in Toronto.....	400 00	
Bonaventure Street Asylum, Montreal....	1000 00	
St. Hyacinth Hospital.....	400 00	
Destitute Emigrant Institution at Quebec..	400 00	
Protestant Orphan Asylum at Quebec.....	400 00	
Boards of Arts and Manufactures.....	3000 00	
Indemnity to Thomas Roche, late Light House Keeper at L'Islet, having lost his sight while on duty, and two of his Sons having been drowned in November last, while making the last trip from Light House to Shore.....	600 00	
The proportion of award by Chief Justice Carter, in the case of G. H. Ryland, chargeable on the Province, the remainder having been paid by the Imperial Government.....	18000 00	
Contingencies of Legislative Council.....	40000 00	
Do. Legislative Assembly.....	30000 00	
Grant to Parliamentary Library.....	6000 00	
		175200 00
Total.....	.....	2,060,130 30

CAP.

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CAP. XIV.

An Act to amend the Act of 1858, to make more advantageous provision for the redemption of Provincial Debentures and the Consolidation of the Public Debt.

[*Assented to 4th May*, 1859.]

Preamble.

WHEREAS it is expedient to amend the Act hereinafter mentioned: Therefore, Her Majesty, by and with the advice and consent of the Legislative Council and Assembly of Canada, enacts as follows:

The Provincial Stock under 22 V. c. 84, may bear any rate of interest not over 5 per cent.

When it may be paid off.

After what notice.

1. Notwithstanding any thing to the contrary in the Act passed in the twenty-second year of Her Majesty's Reign, intituled, *An Act to make more advantageous provision for the redemption of Provincial Debentures and the Consolidation of the Public Debt, and for other purposes*, the Canadian Consolidated Stock therein mentioned shall bear such rate of interest, not exceeding five per cent per annum, as the Governor in Council shall deem most advantageous for the Province: and such Stock shall not be paid off in less than twenty years from first day of July, one thousand eight hundred and fifty-nine, but may be paid off at or after the expiration of that term at the option of the Provincial Government, provided previous notice of not less than three nor more than six months, shall have been given to that effect in the *London Gazette*, in England, under an Order of the Governor in Council, authorizing such notice.

Bonds may be issued instead of Stock.

When they may be paid off.

May be exchanged for Stock.

2. For any purpose for which the said Stock may under the said Act be disposed of or issued to any party, the Governor in Council may, instead of such Stock, cause Provincial Bonds to be issued bearing interest payable half yearly at a rate not exceeding five per cent per annum, but the principal whereof shall not be paid off in less than twenty years from their respective dates, but may be paid off at or after the expiration of that term at the option of the Provincial Government, provided previous notice of not less than three nor more than six months shall have been given to that effect in the *London Gazette*, in England, under an Order of the Governor in Council authorizing such notice; and the holder of any such Bond shall always be entitled to have it exchanged for an equal amount at par of the said Provincial Stock, allowing for interest then accrued on either.

Governor in Council may authorize Finance Minister to dispose of Stock or Bonds.

3. The Governor in Council may authorize the Minister of Finance to determine from time to time the terms upon which the said Provincial Stock or Bonds may be disposed of or exchanged for outstanding Provincial Debentures, as mentioned in the second section of the Act hereby amended, having due regard to the market value of such Debentures and the period at which they are respectively redeemable.

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4. The Governor in Council shall set apart yearly out of the Consolidated Revenue Fund, a sum equal to one half of one per centum on the amount of Provincial Stock and Bonds issued under this Act and the Act hereby amended, and then outstanding, and shall cause such sum to be invested in the said Stock or Bonds, or in such other manner as he may deem most advisable, as a Sinking Fund for the redemption of the said Stock and Bonds.

Sinking Fund for redemption of Stock or Bonds.

5. So much of the third section of the Act hereby amended as requires that the purchase of Municipal Loan Fund Debentures thereby authorized, be made by tender under such conditions as may be determined by the Governor in Council, and of which due notice shall be given in the *Canada Gazette*, is hereby repealed; and the Governor in Council may authorize the Minister of Finance to accept Municipal Loan Fund Debentures in exchange for such Stock or Bonds as aforesaid, and to determine the terms upon which such Debentures shall be purchased or accepted in exchange for such Stock or Bonds or other Provincial securities or other funds that may be available.

Part of section 3 of 22 V. c. 84, repealed.

As to exchange of Municipal Loan Fund Debentures.

6. The Officer heretofore called the Inspector General of Public Provincial Accounts shall hereafter be and be called the Minister of Finance; but such change of name shall not in any way affect his rights, powers or duties; and whenever in any Act, instrument or writing the Inspector General of Public Provincial Accounts, or the Inspector General, is mentioned, the Minister of Finance shall be understood to be intended when this Act shall be in force.

Inspector General to be hereafter styled the "Minister of Finance."

CAP. XV.

An Act further to amend the Consolidated Municipal Loan Fund Acts.

[*Assented to 4th May*, 1859.]

Preamble.

WHEREAS by an Act passed during the present session of the Provincial Parliament, it has been declared that, certain sums shall be payable in final settlement of certain claims arising out of the abolition of the Seignorial Tenure in Lower Canada; And whereas it is expedient that provision should be made to charge any such sums upon the unappropriated Consolidated Municipal Loan Fund of Lower Canada, and for this purpose to restrain the issue of Debentures by the Municipalities in Lower Canada, under the authority of the said Act; And whereas it is also expedient to amend the Acts relating to the Consolidated Municipal Loan Fund, that is to say, the Act passed in the sixteenth year of Her Majesty's Reign, chapter twenty-two, intituled, *An Act to establish a Consolidated Municipal Loan Fund for Upper Canada*, as extended and amended

16 V. c. 22.

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amended by subsequent Acts, so as to afford relief to the Municipalities which have raised money by Debentures issued under the said Acts, and at the same time to secure the ultimate redemption of such Debentures by the Municipalities respectively liable: Therefore, Her Majesty, by and with the advice and consent of the Legislative Council and Assembly of Canada, enacts as follows:

Except as herein mentioned no further loan to be raised on the said Consolidated Municipal Loan Fund, &c.

1. Except as hereinafter provided,—no loan shall, after the passing of this Act, be raised by any Municipality under the said Acts, nor shall any Debentures be thereafter issued under them to any Municipality: But whenever the principal of any Debentures issued upon the credit of the Consolidated Municipal Loan Fund either of Upper or Lower Canada becomes due, the Receiver General, if he has then in his hands no sufficient funds appropriated to pay the same, may, with the consent of the Governor in Council, raise such funds by the issue of other Debentures upon the credit of the said Fund, redeemable at such time as he deems expedient: but nothing in this section shall prevent the effect of any enactment authorizing the redemption of any such Debentures by the issue of Provincial Stock or Debentures: Provided always, that nothing in this Act shall be construed to prevent the issue of Debentures under By-laws, which have received the sanction of the Governor in Council before the passing of this Act, but under which Debentures have not been issued to the parties entitled to receive the same;—And provided further, that it shall be lawful for the Governor in Council to authorize the issue, under the conditions of the said Acts, of Debentures on the credit of the Consolidated Municipal Loan Fund for Lower Canada, to an amount not exceeding in the whole four hundred thousand dollars, in addition to the amount issued before the passing of this Act, or agreed to be issued, under By-laws sanctioned as aforesaid before that time.

Proviso: as to By-laws already sanctioned.

Proviso: a further sum not over $400-000 may be borrowed.

Sum or rate to be paid yearly to the Receiver General by the Municipalities which have raised money under the said Fund.

2. A sum equal to the amount of five cents in the dollar on the assessed yearly value, or a like percentage on the interest at six per cent per annum on the assessed value, of all the assessable property in every Municipality which has raised money by Debentures issued under the Acts mentioned in the preamble, shall be paid by such Municipality to the Receiver General on or before the first day of December, in the present year one thousand eight hundred and fifty-nine, and every year thereafter, unless and until the total amount in principal and interest payable by such Municipality to the Receiver General under the said Acts by reason of such loan, shall have been paid and satisfied, or a smaller sum shall be sufficient to satisfy the same in any year, in which case such smaller sum only shall be so paid:

Proviso: such sum not to

2. Provided always, that the sum to be raised under this Section in any Municipality, shall never be less than the sum which

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which the said percentage on the assessed value of the assessable property in such Municipality, according to the assessment Rolls for the year 1858, in the same Municipality, would have produced ;—but if in any year the assessed value of the assessable property in such Municipality shall be less than it was in the year 1858, the rate to be paid under this Section to the Receiver General shall be so increased as to make the sum so payable equal to what it would have been at the rate hereinbefore mentioned on the assessed value of the year 1858,—but the said rate shall always be payable on any increased assessed value over that of the year 1858 ;

be less than the rate would have produced on the assessed value of 1858.

3. The said sum shall be the first charge upon all the funds of the Municipality, for whatever purpose or under whatever By-law they may have been raised, and no Treasurer, or other officer of the Municipality shall, after the first day of December, in this present year one thousand eight hundred and fifty-nine, pay any sum whatever out of any funds of the Municipality in his hands, until the sum then payable by the Municipality to the Receiver General under this Act, has been paid to him: And if any such Treasurer or municipal officer pays any sum out of the funds of his Municipality, contrary to the provision hereinbefore made, he shall be deemed guilty of a misdemeanor, and shall moreover be liable for every sum so paid, as for money received by him for the Crown ;

Such sum to be a first charge on the Funds of the Municipality.

Penalty on any Municipal Officer contravening this section.

4. The sum aforesaid shall be instead of the payments which the Municipality would otherwise be bound to make to the Receiver General under the said Acts: But if it be not paid as hereinbefore required, the Municipality shall be held to be in default, and shall be liable to be dealt with in the manner provided by the said Acts, with regard to Municipalities in default ;

To be instead of payments required by other Acts.

5. Nothing in this Act shall prevent any Municipality from raising a higher rate than herein mentioned for the purpose of paying the sums payable by such Municipality to the Receiver General, or from paying a larger sum to him in any year than that hereby required ;

Municipality may pay a larger sum in any year.

6. The Receiver General shall charge interest in his accounts with Municipalities under the said Acts, at the rate of six per centum per annum, on all moneys paid by him for any Municipality whether as principal or interest, until the same are repaid.

Interest to be charged.

3. Instead of the special rate mentioned in the sixth section of the Act first cited in the preamble, there shall, in the present year one thousand eight hundred and fifty-nine, be levied upon all the assessable property in every Municipality which has raised money by Debentures issued under the Acts aforesaid, a rate of five cents in the dollar upon the assessed yearly value, and

Rate to be levied instead of that required by sect. 6 of 16 V. c. 22.

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and a like percentage on the interest at the rate of six per cent per annum of the assessed value of such property, and a like rate in each year thereafter until the total sums payable as principal or interest to the Receiver General by reason of such Debentures, shall be paid off, or until a reduced rate shall be substituted by Order in Council as hereinafter mentioned :

How to be levied.

2. Such rate shall be levied by virtue of this Act, but shall be entered on the Collector's Rolls and collected and paid to the Treasurer of the Municipality in the same manner as ordinary rates imposed by municipal By-laws, and whether any other rate is or is not imposed in the Municipality in the same year ;

Application of proceeds.

3. The proceeds of such rate shall be applied by the Treasurer exclusively towards the payment of the sum payable by the Municipality to the Receiver General in each year, if such sum be not then already paid, but if it be then already paid or there be any surplus of the said rate after paying it, the rate or surplus may be applied to the other purposes of the Municipality, in like manner as the proceeds of other rates ;

Penalty on Municipal Officers not complying with this Act.

4. Any Treasurer, Collector or other municipal officer or functionary, or any member of the Municipal Council, wilfully neglecting or refusing to perform or concur in performing any official act requisite for the Collection of the said rate, or misapplying or being a party to the misapplication of any portion of the proceeds thereof, shall be held guilty of misdemeanor, and such Treasurer, Collector, or other Municipal Officer, member or functionary and his sureties shall moreover be personally liable for any sum which, by reason of such neglect, misconduct, refusal or misapplication, shall not be paid to the Receiver General at the time required by this Act, as for moneys received by such Member, Treasurer, Collector or other municipal officer or functionary for the Crown.

Governor in Council may allow a lower rate, whenever it shall be found sufficient.

4. Whenever it appears to the Governor in Council, upon the Report of the Receiver General, that a lower rate in the dollar, than the rate aforesaid in any Municipality will be thereafter sufficient to pay the interest and contribution to the Sinking Fund payable by such Municipality in each year, under the Acts aforesaid, such lower rate may be substituted by order in Council for the rate aforesaid, for all the purposes of this Act.

Seignorial Amendment Act of 1859, cited.

5. Whereas by the Act passed during the present session, intituled "The Seignorial amendment Act of 1859," it is provided,—that a sum of money bearing the same proportion to that which under the provisions of the said Act will be payable yearly to the Seigniors in Lower Canada, as the population of the Townships of Lower Canada shall, by the Census of one thousand eight hundred and sixty-one, be found to bear to that of the Seigniories,—

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Seigniories,—shall be payable yearly, out of Provincial Funds, to the credit of the Lower Canada Municipal Loan Fund, but for the benefit of the Townships only:—And whereas it is necessary to provide for the application of the said sum, to the purposes contemplated by the said Act, therefore,—

1. The said sum shall be divided among the several Townships in Lower Canada and the Town of Sherbrooke, in proportion to their respective population as shewn by the said Census of one thousand eight hundred and sixty-one; and in the meantime advances may be made yearly to each of them, according to such approximate estimate as the Governor in Council, according to the best information obtainable, may sanction, subject to adjustment in account so soon as such proportion shall be established;

How the sum given to the L. C. Townships shall be divided.

Advances may be made.

2. It shall be lawful for the Governor in Council to direct the Receiver General to pay the Capital of the yearly sum coming to any such Townships or to the said Town, at the rate of seventy-five per cent. of such Capital, in discharge of the whole;

Capital may be paid at 75 per cent.

3. It shall be lawful for the County Council of any County in Lower Canada including within its limits any Township or Townships, and for the Town Council of the said Town of Sherbrooke, to pass By-laws with the approval of the Governor in Council for appropriating the said yearly sum or capital or any part of either, for any public improvement or improvements within the County or Town;—Provided that in Counties including a Seigniory or Seigniories, the County Councillors representing Municipalities composed of Townships or parts of Townships, shall alone be entitled to vote on any By-law for such appropriation, and such Councillors or the majority of them shall, as regards such By-law, form a Quorum of the Council, whatever be their number; And provided also, that if such appropriation be not made by the Council of any such County within twelve months from the passing of this Act, the several Local Councils in such County, with the like approval, may pass by-laws for appropriating to the like use their share of such yearly sum or capital; and payment of such yearly sum or capital shall be made for the purposes of such appropriation only;

County Councils may appropriate such sums by By-law.

Proviso: who may vote on such By-laws.

Proviso: if the County Council do not make the appropriation within a certain time.

4. Any Municipality having the powers as well of a County Council as of a Local Council, shall be held to be a County Council within the meaning of this Act.

As to certain Municipalities.

6. So long as any sum of money is payable to the Receiver General by any Municipality under the Acts aforesaid, he may always retain in his hands any sum of money which would otherwise be payable by him to such Municipality, crediting the same to it, in his accounts with it under the said Acts.

Receiver General may retain money due to the Province.

7.

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Interpretation of certain words used in this Act.

7. In this Act the word "Treasurer" includes every Secretary-Treasurer, Chamberlain, or other municipal officer or person, entrusted with the custody of the funds of any Municipality, the expression "Assessment Roll" includes Valuation Rolls,—and the Roll which is to serve for any year is the Roll for that year whatsoever be the year in which it was made,—the expression "Collector's Roll" includes any Roll or document shewing the amount to be collected from each rate payer,—the word "Collector" includes the Secretary-Treasurer in places where that officer collects the Municipal Taxes;—and the word "Municipality" includes incorporated Cities and Towns.

Act not to legalize any Debentures, &c., not otherwise valid.

8. Nothing in this Act shall be interpreted as legalizing any by-law or proceedings had under the Acts hereby amended, nor as legalizing the issue of any Debentures on the credit of the Consolidated Municipal Loan Fund in consequence of such by-laws or proceedings.

CAP. XVI.

An Act to impose a duty on Vessels admitted to Registry and the Coasting Trade in this Province, and belonging to Countries not admitting the Vessels of this Province to Registry and privileges of General and Coasting Trade in such Countries.

[*Assented to 4th May*, 1859.]

Preamble.

WHEREAS it is expedient to impose a duty of Customs on Vessels admitted to registration and the general and coasting trade in this Province, and being of the build of any Foreign Country not admitting British Vessels to registration and the coasting trade in such country: Therefore, Her Majesty, by and with the advice and consent of the Legislative Council and Assembly of Canada, enacts as follows:

Duty imposed on such Vessels as are mentioned in the Title.

1. There shall be raised, levied, collected and paid unto Her Majesty, Her Heirs and Successors, upon every Vessel admitted to registration and the general and coasting trade of this Province, and being of the build of any Foreign Country not admitting British Vessels to similar and like privileges and advantages in such country, a duty of Customs equal to ten per centum upon the value of such Vessel, to be calculated and ascertained in like manner as other duties of Customs imposed *ad valorem*: And this Act shall be construed as forming one Law with the Act passed in the Session held in the tenth and eleventh years of Her Majesty's Reign, chaptered thirty-one, and intituled, *An Act for repealing and consolidating the present duties of Customs in this Province, and for other purposes therein mentioned*, and the Acts amending the same, in so far as they are in force and consistent with this Act: And all words and expressions

This Act to be construed as part of the Customs Acts

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expressions used in this Act shall have the meaning assigned to them in the said Acts, and all the provisions of the said Acts, with regard to the duties imposed by them, shall apply to the duty imposed by this Act, except in so far as they may be inconsistent with it.

CAP. XVII.

An Act to amend the Post Office Laws.

[*Assented to 4th May*, 1859.]

WHEREAS it is expedient to amend the Post Office Laws, in the manner hereinafter provided: Therefore, Her Majesty, by and with the advice and consent of the Legislative Council and Assembly of Canada, enacts as follows: **Preamble.**

1. There shall be payable on all Newspapers sent by Post in Canada, except "Exchange Papers" addressed to Editors and Publishers of Newspapers, such rate of Postage, not exceeding one cent on each such Newspaper, as the Governor in Council shall from time to time direct by regulation, and such rate shall be payable on all such Newspapers posted on or after the first day of July next. **Rate of Postage on Newspapers other than "Exchange papers."**

2. So much of any Act as provides that Newspapers posted within this Province shall pass free of Postage, in cases other than those in which they will be free under this Act, is hereby repealed. **Inconsistent enactments repealed.**

3. In order to adapt the operations of the Post Office to the Decimal Currency, the internal letter postage rate shall be changed from three pence to its equivalent of five cents, per half ounce,—the charge for advertising a dead letter from three farthings to two cents,—the charge for returning a dead letter to the writer, from one penny to three cents; and in all cases where a one half-penny or penny rate of Postage is chargeable, those rates shall be changed to one cent and two cents respectively. **Rates converted into decimal currency.**

4. To promote simplicity and economy in the business of the Post Office, all letters posted in Canada for any place within the Province, and not prepaid, shall be charged seven instead of five cents per half ounce on delivery; and on letters posted for the British Mails, for the other British North American Provinces, or for the United States, when not prepaid, there shall be charged such addition to the ordinary rate, not in any case exceeding a double rate, as the Post Master General may agree upon with the Post Office Authorities of those Countries, for the purpose of enforcing pre-payment. **Extra rates on letters not prepaid.**

5.

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Parcel Post may be established.

5. The Post Master General may establish a Parcel Post, and Parcels other than letters and not containing letters, may be sent by such Parcel Post, and when so sent shall be liable to such charges for conveyance and to such regulations as the Governor in Council shall from time to time see fit to make.

Non-liability of Post Master General.

6. The Post Master General shall not be liable to any party for the loss of any Parcel sent by Parcel Post.

Wilfully destroying, &c., parcels.

7. Wilfully and maliciously to destroy, damage, detain or delay any Parcel sent by Parcel Post, shall be a misdemeanor.

Inclosing letters, &c., in Newspapers or Parcels to be a misdemeanor.

8. To inclose a letter or letters, or any writing intended to serve the purpose of a letter, in a Parcel posted for the Parcel Post, shall be a misdemeanor; and to inclose a letter, or any writing, or to make any written marks to serve the purpose of a letter, or to inclose any other thing, in a newspaper posted to pass as a newspaper, at the rate of postage applicable to newspapers, (except in the case of the accounts and receipts of newspaper publishers, which are permitted to pass folded within the newspapers sent by them to their subscribers,) shall be a misdemeanor.

Money order system may be extended to Orders to and from the United Kingdom.

9. In order to carry into effect an arrangement which has been made between the Imperial Government and the Government of this Province, the Governor in Council may, by regulations to be from time to time made, extend the Money Order system, so as to include the granting of Money Orders on Post Masters in the United Kingdom, and the payment of Money Orders drawn by such Post Masters on Post Masters in this Province, on such terms and conditions as he may deem expedient.

Newspapers, &c., free of duty to be brought only through the Post Office.

All otherwise to be seized if not duly entered and duty paid.

10. Except as hereinafter provided,—it shall not be lawful to bring any Foreign Newspaper, or any Foreign printed publication (except bibles, testaments or books of devotion) not liable to a duty of Customs, into this Province, in any other way than through the Provincial Post Office; And any foreign Newspaper or publication brought into this Province otherwise than through the Post Office, which has not been duly entered and upon which the duty of twenty per cent. *ad valorem*, under the Customs Duties Acts, has not been paid, (except bibles, testaments and books of devotion on which no duty is payable) shall be forfeited and may be seized and forthwith destroyed by any officer of the Customs or of the Post Office as prohibited goods, and the person bringing in the same shall be liable to the like penalty as a person bringing in goods prohibited by the Customs laws, and recoverable in like manner;—But this prohibition shall not apply to one copy of any such Newspaper or publication brought into the Province *bonâ fide* by any Traveller for his own use.

CAP.

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CAP. XVIII.

An Act to amend and make permanent the Laws relating to the Militia of this Province.

[*Assented to 4th May*, 1859.]

WHEREAS it is expedient to amend and make permanent an Act passed in the eighteenth year of Her Majesty's reign, intituled, *An Act to regulate the Militia of this Province and to repeal the Acts now in force for that purpose*, and also, an Act passed in the nineteenth and twentieth years of Her Majesty's reign, intituled, *An Act to amend the Militia Law:* Therefore, Her Majesty, by and with the advice and consent of the Legislative Council and Assembly of Canada, enacts as follows:

Preamble.

18 V. c. 77.

19, 20 V. c. 44.

1. The Act passed in the eighteenth year of Her Majesty's reign, intituled, *An Act to regulate the Militia of this Province and to repeal the Acts now in force for that purpose*, and the Act passed in the nineteenth and twentieth years of Her Majesty's reign, and intituled, *An Act to amend the Militia Law*, as hereinafter amended, are hereby made permanent.

The said Acts made permanent as hereby amended.

2. The fifth section of the first recited Act is hereby repealed, and the following section is substituted therefor, and shall be read as part of the said Act:—"The Sedentary Militiamen shall be divided into two Classes, to be called respectively Service Men and Reserve Men; the Service Men shall be those of eighteen years of age and upwards, but under forty-five years, —and the Reserve Men shall be those of forty-five years of age and upwards, but under sixty years."

New section substituted for 18 V. c. 77, s. 5.

ACTIVE OR VOLUNTEER MILITIA.

3. From and after the thirty-first day of December, in the year one thousand eight hundred and fifty-nine, the Companies of Foot Artillery and Rifle Companies of Class A, shall together not exceed fifty in number, of which there shall not be a greater number of Companies of Foot Artillery than five; and it shall be in the discretion of the Commander in Chief to determine what number of Companies of Foot Artillery shall from time to time form portion of the said number of fifty hereinbefore mentioned, not exceeding five as aforesaid.

Number of Companies of Foot Artillery and Rifles. limited after end of 1859.

4. The thirty-second section of the first recited Act is hereby repealed and the following section is substituted therefor:—"The Volunteer Militia Companies shall be drilled and exercised at such time in each year and at such places as the Commander in Chief may from time to time appoint; the Volunteer Field Batteries being so drilled and exercised during twelve days in each year, of which at least six days shall be consecutive, and the other

New section substituted for 32 of 18 V. c. 77, as to drilling and exercising.

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Volunteer Corps once in each year during six consecutive days, (Sundays not reckoned in either case,) and the Companies under drill being encamped during the whole or any part of the period for drill, if the Commander in Chief sees fit; Provided that, inclusive of the pay for the year one thousand eight hundred and fifty-nine, and annually hereafter, the moneys to be paid for pay for each day on which Companies shall be so drilled, shall be paid only in the month of December in each year, and upon the Pay List and affidavit thereto being duly furnished to the Adjutant General as hereinafter required."

Proviso.

Pay List and affidavit.

New section substituted for sect. 29, of 18 V. c. 77, as to keeping of arms.

5. The twenty-ninth section of the first recited Act is hereby repealed, and in lieu thereof, the following section shall be taken and read as part of the said Act:—"The arms and accoutrements of non-commissioned officers and men of the Active Militia shall be kept in public armouries wherever there are such; and where there are no such public armouries then the Captain of each Volunteer Corps shall be personally responsible for the arms and accoutrements of the non-commissioned Officers and Men of their said Corps respectively, and shall himself actually keep the same, and may be allowed annually a sum not exceeding five pounds for so doing and for taking care of the arms and accoutrements."

Corps to appear armed on certain occasions only.

6. No Corps of Active Militia and no non-commissioned officer or private thereof, shall at any time appear armed or accoutred except when *bonâ fide* at drill whether paid or unpaid, or at target practice or at Reviews or on Field days or inspections, or for receiving distinguished persons or rendering funeral honors to deceased comrades, or when required to act in aid of the civil power under due authority; nor shall the arms and accoutrements be taken out of this Province.

New section substituted for sect. 34 of 18 V. c. 77.

7. The thirty-fourth section of the Act first above recited is hereby repealed, and in lieu thereof, the following section shall be taken and read as part thereof:

Payment of Active Militia.

"The Active Militia Force shall be paid by the Province, the sums and in the manner following:

Pay for Men and horses in class A when at Drill, for 1859.

"For the year one thousand eight hundred and fifty-nine, the non-commissioned officers and men of Class A, shall be paid for each day's actual and *bonâ fide* drill the sum of one dollar, and for each horse actually and necessarily present and used for such drill, and belonging to or used by such non-commissioned officers or men, the further sum of one dollar per diem.

A certain number only to be paid after 1859, and at what rate.

"For each and every other year, other than the year one thousand eight hundred and fifty-nine, the non-commissioned officers and men of such Corps of Class A or of such portions thereof only as are hereinafter mentioned, shall for each day's actual

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actual and *bonâ fide* drill, be paid the sum of one dollar,—and in so far only as regards the horses to be used in such Field Batteries, for each horse actually and necessarily present and used for such drill, and belonging to or used by the non-commissioned officers and men of the said Field Batteries, the further sum of one dollar per diem; and which Corps or portions thereof respectively so entitled to be paid are as follows:

Artillery Corps.

"*Field Batteries.*—The non-commissioned officers and men, not exceeding seventy in number, and the horses,—not exceeding thirty-six in number,—of each of the seven Field Batteries heretofore constituted and now existing under the first recited Act;

Cavalry Corps.

"*Cavalry.*—Thirty non-commissioned officers and men of each of the five Troops of Cavalry senior in priority of Gazette under the first recited Act in Upper Canada, and thirty non-commissioned officers and men of each of the five Troops of Cavalry senior in priority of Gazette as aforesaid in Lower Canada;

Infantry Corps.

"*Infantry.*—Thirty non-commissioned officers and men of each Rifle Company, and of each Foot Company of Artillery;

Commanding Officer may divide the pay among a greater number on certain conditions.

"But it shall be within the option of the Commanding Officer of any such Corps of Cavalry, Infantry or Foot Artillery, in pursuance of any contract previously made with the non-commissioned officers and men of the Corps under his command, to distribute the total amount of pay to which such thirty men would be entitled for their drill as hereinbefore mentioned, in a lesser proportion than the sum of one dollar to each man, so that the surplus of men *bonâ fide* enrolled and acting in such Corps, to a number not exceeding twenty additional men, may receive a proportion of such pay, it being the intent hereof that no man under any such contract shall receive less than the sum of sixty cents per diem during the drill as aforesaid; And it shall be the duty of every Commanding Officer of a Corps, or, in case of his absence during the annual drill, of the officer next in command and personally present, during the month of November in each year, to forward the pay-list of the said Corps to the Adjutant General of Militia, having attached thereto an affidavit sworn before any Justice of the Peace, that the several non-commissioned officers and privates in the said pay-list named for pay, were actually and *bonâ fide* personally present at each day's drill, and were actually drilled for the number of days and in manner by law required, and were and continued severally on the roll of the said corps from the month of January in such year, and performed duty therewith when required during such year, and in addition thereto in cases of Field Batteries, that each horse in the said pay-list charged for pay was actually and necessarily present and used for such drill."

Pay List, with affidavit attached, to be transmitted to Adjutant General.

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Volunteers exempt from serving as Jurors or Constables.

Evidence of service.

8. The Officers, non-commissioned Officers and men of Volunteer Corps, shall, while they continue such, be exempt from serving as Jurors or Constables; And whenever they have served as such in one or more Volunteer Corps during a term of seven years, such exemption shall continue after the expiration of the said term; and a certificate under the hand of the commanding officer of such Corps shall be sufficient evidence of the service in his Corps of any officer, non-commissioned officer or man for the then current year.

As to notice of intention to leave any Corps.

9. The period of time required by the forty-first section of the first above recited Act to be given of intention to leave any Volunteer Corps, shall be two months in lieu of one month as prescribed by the said section.

Inspection of Volunteer Corps.

Proviso: as to Rank of Inspecting Officer.

10. The several Volunteer Corps shall be subject to inspection from time to time by such person or persons as shall be temporarily appointed by the Commander in Chief for such inspection, and who shall report fully to the Governor on the state of such Corps and their arms and accoutrements and the general efficiency of such force, and shall be reimbursed his or their actual travelling expenses by the Province, and paid therefor at a rate not exceeding four dollars per diem whilst so engaged; Provided that such person or persons, to be appointed from time to time for such inspection, shall be an officer or officers (not being under the rank of Field Officer) of Her Majesty's service, and actually serving in this Province, or in case the services of an officer or officers as aforesaid cannot be obtained, then such other person not being under the rank of Field Officer of Militia of this Province, who shall in like manner be reimbursed his actual travelling expenses and paid such remuneration.

Offices of Inspecting Officer and Deputy Adjutant General may be amalgamated: salary in such case.

11. The Commander in Chief may in his discretion amalgamate the offices of Deputy Adjutant General and Inspecting Field Officer of Militia in Upper or Lower Canada, in which case the salary of the officer performing such amalgamated offices, and who shall be known as Deputy Adjutant General and Inspector of Militia, shall not exceed the sum of two thousand dollars per annum.

Uniformity of uniform in all Volunteer Corps required.

12. The uniform of the several Field Batteries,—of the several Troops of Cavalry,—and of the several Rifle Companies—continued under this Act, or hereafter to be organized, shall be of such one and similar colour, pattern and design as may be ordered by the Commander in Chief, at any time after the passing of this Act; provided that but one, and that a similar colour, pattern and design, shall be approved for each of them respectively,—the Field Batteries,—Troops of Cavalry,—Rifle Companies,—and Companies of Foot Artillery; and each of such Corps shall conform in all particulars to the order of the Commander in Chief in such respect; provided that the several Corps at present in existence or to be continued in existence under

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under this Act, may continue to wear their present clothing until the same shall require to be replaced, and it shall be the duty of the Superior Officer of the said Corps respectively, to see that the same are, upon any such replacing of clothing, uniformed according to the order of the Commander in Chief in such respect.

13. From and after the thirtieth day of June next, the forty-eighth and forty-ninth sections of the first above recited Act are hereby repealed; but the Commander in Chief may from time to time appoint so many Assistant Adjutants General, with such duties as he may think proper or expedient, but no pay or allowances shall be made to them in respect of such appointment.

Any number of Assistant Adjutants General may be appointed—but without pay.

GENERAL PROVISIONS.

14. No Adjutant General of Militia shall be appointed except in case of war or any emergency, such as may, in the opinion of the Governor General, render it necessary or expedient that such office should be filled; and in case of war or any emergency as aforesaid, no person shall be appointed to the said office who is not, to the satisfaction of the Commander in Chief, a person educated to the military profession and thoroughly competent to discharge the duties of the said office of Adjutant General; and the duties of the office of Adjutant General during such vacancy shall be performed by the Deputy Adjutants General for Upper and Lower Canada respectively, under orders from time to time of the Commander in Chief, or by such person as may be appointed by the Commander in Chief, on any occasion for the special and temporary discharge of any such duties.

Adjutant General to be appointed only in cases of War or Emergency.

15. The Commander in Chief shall have full power to constitute any number of Rifle Companies of the Active Militia at any one locality or within any one district, not being less than six or more than ten Companies, into a Regiment or Battalion, and to assign or appoint thereto by commission, a Lieutenant-Colonel, two Majors, one Adjutant, one Pay-Master, one Quarter-Master, one Surgeon and one Assistant Surgeon whose rank and authority therein shall be the same as in the relative positions in Her Majesty's service, and such Regiment or Battalion shall be subject, in so far as the same are not inconsistent with the provisions of the Militia Laws of this Province, to the Queen's Regulations for the Army published by authority; and any such Lieutenant-Colonel shall have authority to appoint Staff Sergeants for any Battalion.

Any number of Rifle Corps in any locality may be constituted into a Regiment or Battalion, &c.

16. The Commander in Chief shall have full power to appoint Staff Officers of the Active Militia with such rank as he shall from time to time think requisite or necessary for the efficiency of the Militia service, and all such appointments as have been heretofore made by him are hereby confirmed, and any such Staff Officers shall have such rank and authority in the

Appointment of Staff Officers and their rank.

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the Militia as are held relatively in Her Majesty's service, and their duties shall be the same for the Militia as prescribed for the Army by the Queen's Regulations aforesaid.

Unlawfully retaining moneys belonging to militiamen to be a misdemeanor.

17. Any Officer or Commissioned Officer of Militia of this Province, heretofore appointed or who may hereafter be appointed to the Active Force, or to the Sedentary Militia, and who may obtain under false pretences or who may retain or keep in his own possession, with intent to apply to his own use or benefit, any of the pay or moneys belonging to any non-commissioned officer or private of any Corps, shall be guilty of a misdemeanor, and shall be dismissed from the said Militia Force.

Annual Muster day in Upper Canada, may be on the 29th June.

18. Notwithstanding any thing contained in the sixth section of the Act first above cited, it shall be lawful for the Commander in Chief, at his discretion, but on the application of the Commandant of any Military District in Upper Canada, to direct that the annual Muster day may, in such District, be on the twenty-ninth day of June.

False swearing to be perjury.

19. Any person making an Affidavit or Declaration required in and by this Act, and who shall swear or declare falsely therein, shall be guilty of perjury.

INTERPRETATION.

Interpretation clause.

20. The word "Corps" shall, for the purposes of this Act, include any Field Battery, Troop of Cavalry, Foot Company of Artillery or Rifle Company, or any Battalion or Regiment.

Inconsistent enactments repealed.

Proviso: as to liabilities incurred before this Act.

21. All parts of the said Acts made permanent by this Act and inconsistent herewith, are hereby repealed: Provided always, That nothing herein shall be construed to relieve the Officers or men of the said Volunteer or Active Force, of any liability in respect to the Arms and Accoutrements thereof, delivered to the custody, care or possession of any of them,—or in any other respect,—under such parts of the said Acts as may be hereby repealed, but that any proceedings thereto relating shall be brought within twelve months after the discovery of any breach of the provisions thereof.

CAP. XIX.

An Act to consolidate and amend the several laws regulating the navigation of the Waters of Canada, and providing for the security of person and property thereon.

[*Assented to 4th May*, 1859.]

Preamble.

FOR the greater security of life and property in Vessels navigating the Canadian waters: Her Majesty, by and with the advice and consent of the Legislative Council and Assembly of Canada, enacts as follows:

NAVIGATION

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NAVIGATION—LIGHTS AND FOG SIGNALS.

Lights for Steam Vessels.

1. All Steam Vessels, when under Steam, shall, between sunset and sunrise, exhibit the following Lights : Lights when under way.

1. A bright White Light at the Mast Head, or, if the Vessel have more than one Mast, then at the Foremast Head ;

A Green Light on the Starboard side ;

A Red Light on the Port side ;

2. The Mast-head Light shall be so constructed as to be visible on a dark night, with a clear atmosphere, at a distance of at least five miles, and shall show an uniform and unbroken light over an arc of the horizon of twenty points of the compass, and it shall be so fixed as to throw the light ten points on each side of the ship, viz., from right ahead to two points abaft the beam on either side ; Mast-head Lights described.

3. The Green Light on the Starboard side and the Red Light on the Port side shall be so constructed as to be visible on a dark night, with a clear atmosphere, at a distance of at least two miles, and show an uniform and unbroken light over an arc of the horizon of ten points of the compass, and they shall be so fixed as to throw the light from right ahead to two points abaft the beam on the Starboard and on the Port sides respectively ; Side Lights described.

4. The side Lights are to be fitted with inboard screens projecting at least three feet forward from the light, so as to prevent the lights from being seen across the bow ; Side Lights to have screens.

5. Steam Vessels, under Sail only, are not to carry their mast-head Light. Steamers under sail only.

Fog Signals for Steam Vessels.

2. All Steam Vessels, whether propelled by paddles or screws, when their steam is up, and when under way, shall in all cases of Fog use as a Fog Signal a Steam Whistle placed before the Funnel at not less than eight feet from the deck, which shall be sounded once at least every five minutes ; but when the steam is not up, they shall use a Fog Horn or Bell, as ordered for Sailing Vessels. Signals in case of fog.

Lights for Sailing Vessels.

3. 1. All Sailing Vessels when under-way or being towed shall, between sunset and sunrise, exhibit a Green Light on the Starboard Lights when under-way.

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Starboard side and a Red Light on the Port side of the vessel, and such Lights shall be so constructed as to be visible on a dark night, with a clear atmosphere, at a distance of at least two miles, and shall show an uniform and unbroken light over an arc of the horizon of ten points of the compass, from right ahead to two points abaft the beam on the Starboard and on the Port sides respectively;

Coloured Lights to be *fixed* if practicable.

2. The Coloured Lights shall be *fixed* whenever it is practicable so to exhibit them; and shall be fitted with inboard screens projecting at least three feet forward from the Light, so as to prevent the Lights being seen across the bow;

If not fixed.

3. When the Coloured Lights cannot be fixed (as in the case of small vessels in bad weather), they shall be kept on deck between sunset and sunrise, and on their proper sides of the vessel, ready for instant exhibition, and shall be exhibited in such a manner as can be best seen on the approach of, or to, any other vessel or vessels, in sufficient time to avoid collision, and so that the Green Light shall not be seen on the Port side, nor the Red Light on the Starboard side.

Fog Signals for Sailing Vessels.

Signals in case of fog.

4. All Sailing Vessels, when under-way, shall, in all cases of Fog, use, when on the Starboard Tack, a Fog Horn, and when on the Port Tack shall Ring a Bell. These signals shall be sounded once at least every five minutes.

Pilot Vessels.

Lights.

5. Sailing Pilot Vessels are to carry only a White Light at the Mast-head, and are to exhibit a Flare-up Light every fifteen minutes, observing also any Trinity House regulation not inconsistent with this Act.

Vessels at Anchor.

Lights when at anchor.

6. All Vessels when at anchor, shall, between sunset and sunrise, exhibit, where it can best be seen, but at a height not exceeding twenty feet above the hull, a White Light in a Globular Lantern of eight inches in diameter, and so constructed as to show a clear, uniform, and unbroken light all round the horizon, at a distance of at least one mile.

Rafts.

Lights on Rafts.

7. The owner or conductor of every Raft shall have a bright fire kept burning thereon from sunset to sunrise, while drifting or at anchor on any navigable water.

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NAVIGATION—MEETING AND PASSING.

8. Whenever any vessel, whether a steam or sailing vessel, proceeding in one direction, meets another vessel, whether a steam or sailing vessel, proceeding in another direction, so that if both vessels were to continue their respective courses they would pass so near as to involve any risk of a collision, the helms of both vessels shall be put to port so as to pass on the port side of each other;—And this rule shall be obeyed by all steam vessels, and by all sailing vessels whether on the port or starboard tack, and whether close-hauled or not,—unless the circumstances of the case are such as to render a departure from the rule necessary in order to avoid immediate danger, and subject also to the proviso that due regard shall be had to the dangers of navigation, and, as regards sailing vessels on the starboard tack close-hauled, to the keeping such vessels under command,—And except that vessels entering and leaving the harbour of Sorel, shall take the Port side, unless the Trinity House of Montreal shall otherwise direct.

Rule as to ships meeting each other.

Exception.

Exception.

9. Every steam vessel, when navigating any narrow channel, shall, whenever it is safe and practicable, keep to that side of the fairway or mid-channel which lies on the starboard side of such steam vessel,—except that when two steam vessels of unequal speed are pursuing the same course, the slower vessel, if ahead, shall draw towards the Port side, and the faster vessel shall pass on the Starboard side;—and except in entering and leaving the Port of Sorel as aforesaid.

Rule for steamers in narrow channels.

10. Whenever any Vessel or raft is going in the same direction with another which is ahead, the Vessel or raft first mentioned shall not be so navigated as to come within twenty yards of the other, nor shall such other be so navigated as to come within twenty yards of that first mentioned.

Vessels, &c., not to approach too near each other.

11. The Master or Person in charge of any Steam Vessel, Sailing Vessel or Raft, offending against any of the preceding provisions of this Act, shall incur a penalty not exceeding fifty pounds nor less than five pounds.

Penalty for contravention of Rules.

12. If in any case of collision it appears to the court before which the case is tried, that such collision was occasioned by the non-observance of any of the foregoing rules, the owner of the vessel by which such rule has been infringed shall not be entitled to recover any recompence whatever for any damage sustained by such ship in such collision, unless it is shown to the satisfaction of the court that the circumstances of the case made a departure from the rule necessary.

If collision ensues from breach of the above rules, owner not to be entitled to recover.

13. In case any damage to person or property arises from the non-observance by any vessel or raft of any of the foregoing rules, such damage shall be deemed to have been occasioned by

Breach of such rules to imply wilful default.

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by the wilful default of the person in charge of such raft or of the deck of such vessel at the time, unless the contrary be proved, or it is shown to the satisfaction of the court that the circumstances of the case made a departure from the rule necessary; and the owner of the vessel or raft in all civil proceedings, and the master or person in charge as aforesaid in all proceedings, civil or criminal, shall be subject to the legal consequences of such default.

Liability.

INSPECTION OF STEAMBOATS, AND PROVISIONS FOR THE SAFETY OF THOSE ON BOARD THEM.

Inspectors.

Governor in Council may appoint Inspectors at such places as may be found advisable.

14. The Governor in Council shall, from time to time, appoint at such places as he may find advisable, within the Province, one or more skilled persons competent to inspect steamboats, and the machinery and boilers employed in the same, who shall not be interested in the manufacture of steam-engines, boilers or other machinery belonging to steamboats, and whose duty it shall be to make such inspection as hereinafter prescribed, and to give to the owner or master duplicate certificates of such inspection; and every such Inspector, before entering upon his duties as such, shall take and subscribe an oath, before any person duly authorized to administer an oath, well, faithfully and impartially to execute the duties assigned to him by this Act.

Inspectors to be sworn.

Inspectors to form a Board.

Chairman—

Quorum.

15. The Inspectors shall form a board to be called the "Board of Steamboat Inspection," of whom the Governor shall name the Chairman; Three of the members shall form a *quorum*, and the Chairman shall have the right to vote, and in case of equal division he shall also have a casting vote, and the minutes of the proceedings of the board shall be kept by him.

Meetings of the board, to make Regulations, &c.

16. The board shall meet at least once every year in the Cities of Quebec and Toronto, and at such other places as the Chairman may determine, to frame regulations for the uniform Inspection of Steamers, for the selection of Ports of Inspection, for granting Licenses to Engineers, and for such other purposes as may be necessary under this Act; and such regulations and selection shall come into force after they have been approved by the Governor in Council, but not before;—and copies of the minutes of the proceedings of the Board, certified by the Chairman, shall be transmitted to the Clerk of the Executive Council.

Regulations not to be in force until approved by Governor in Council.

Inspection.

Hull, boilers and machinery

17. The Master or Owner of every Steamboat, shall cause the hull, boilers and machinery thereof to be inspected at least once

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once every year, and shall deliver to the Collector of the Port where such inspection is made, or at which such Steamboat shall arrive next after such inspection, where it has not been made in port, a duplicate certificate thereof, and for every neglect to cause such inspection to be made, and a duplicate thereof to be delivered to the proper Collector, such Master or Owner shall incur a penalty of one hundred pounds, and such Steamboat shall be liable for and chargeable therewith.

to be inspected once a year:—and duplicate certificate delivered to collector.

Penalty for default.

18. The Inspector who inspects any Steamboat in the manner required by this Act, shall, after thorough examination of the Hull, Boilers and Machinery, make a certificate in which shall be stated the age of such Steamboat, when and where originally built, the length of time she has been running, whether each Boiler is sound and fit for use, its age and the heaviest pressure of steam to which it may be safely subjected, as well when the Vessel is stationary as when running, thereby establishing a maximum rate of pressure in each of those cases, the period during which such inspection is to apply, whether the machinery is sound and fit for use and whether such steamboat is sound and in all respects seaworthy and fit for the transport of freight and passengers, and he shall not make such certificate unless such steamboat be provided with such steam-gauge as is hereinafter required; And duplicates of such certificates shall be delivered to the Owner or Master of the Steamboat, one of which such Master or Owner shall deliver to the Collector as aforesaid, and the other he shall keep and cause to be posted up in some conspicuous part of the Steamboat for the information of the public.

Inspection to be thorough, and certificate thereof, containing certain particulars, to be given in duplicate on certain conditions.

Certificate to be posted up in the Steamboat.

19. Any Inspector may, whenever he deems it necessary so to do, and some one of them, shall at least once in every year, subject the boiler of every steamboat to a test by hydrostatic pressure, the limit of which shall in no case exceed one hundred and fifty pounds to the square inch, and shall satisfy himself by examination and experimental trials, that such boiler is well made of good and suitable material; and the owner of the steamboat shall provide the necessary pump and apparatus for such test, to be worked by the crew of the vessel; and no Inspector shall make or deliver to the owner or master of any steamboat, any such duplicate certificate as is mentioned in the foregoing section of this Act, without having first subjected the boiler of such vessel to such test by hydrostatic pressure.

Boiler to be tested by hydrostatic pressure, &c.

Certificate not to be given without such test.

20. In subjecting boilers to the hydrostatic test aforesaid, the Inspectors shall assume one hundred pounds to the square inch as the maximum pressure allowable as a working power for a new boiler forty-two inches in diameter, made of the best refined iron, at least one quarter of an inch thick, in the best manner and of the quality herein required,—and shall rate the working pressure of all boilers, whether of greater or less diameter, according to this standard; and in all cases the

Rule to be observed in such test.

Proportion of test pressure to working pressure.

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the test applied shall exceed the working pressure allowed, in the ratio of one hundred and fifty pounds to one hundred, using the water in such tests at a temperature not exceeding sixty degrees, Fahrenheit; But if any such Inspector is of opinion that any boiler, by reason of its construction or material, will not safely allow so high a working pressure, he may, for reasons to be stated specifically in his certificate, fix the working pressure of such boiler at less than two thirds of the test pressure; And these rules shall be observed in all cases, unless the proportion between such boilers and the cylinders, or some other cause, renders it manifest that their application would be unjust, in which case the Inspector may depart from these rules, if it can be done with safety; but in no case shall the working pressure allowed exceed the proportion hereinbefore mentioned, as compared with the hydrostatic test; And no valve under any circumstances shall at any time be so loaded or so managed in any way as to subject a boiler to a greater pressure than that allowed by the Inspector at the then last inspection thereof; and no boiler or pipe shall be approved which is made in whole or in part of bad material, or is unsafe in its form, or dangerous from defective workmanship, age, use or any other cause:—And no boiler made after the passing of this Act, shall be made of boiler plate which has not been stamped or marked with the name of the maker thereof, nor shall a certificate be granted with respect to any boiler made wholly or in part of plate not so marked.

In what cases only exceptions may be allowed.

Valves not to be loaded beyond certified pressure.

Boilers to be made of plate bearing maker's name.

Information to be given to Inspectors.

Inspector may ask pertinent questions of persons on board any Steamer.

21. Any Inspector may at all times, when inspecting, visiting or examining the hull or the boiler and machinery of any steamboat, ask of any or all of the owners, officers or engineers of such vessel, or other person on board thereof and in charge, or appearing to be in charge of the same or of the boiler or machinery thereof, such pertinent questions concerning the same, or concerning any accident that may have happened thereto, as he may think fit; and every such person shall fully and truly answer every such question so put to him respectively, to the best of his knowledge and ability: And every person refusing to answer, or falsely answering any such question, or preventing any such inspection or obstructing any Inspector in the same, shall, by so acting, incur a penalty of ten pounds.

Penalty for refusal to answer, &c.

Inspectors to be carried free of expense.

22. Any Inspector shall be carried free of expense on every Vessel which he shall desire to inspect while under-way, and during such period as may be necessary for such inspection and for his return to the Port at which he may have embarked on such Vessel for such purpose, or for his disembarkation at any Port at which such Vessel touches on her voyage.

Owner, &c., to report cer-

23. The Master or Owner of every Steamboat, or of the person in charge thereof, shall, within forty-eight hours after the occurrence

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occurrence of any event whereby the same, or the boiler, or machinery thereof, or any part of the same is in any material degree injured, strained or weakened, report such occurrence to one of the said Inspectors; and in case of omission to give such notice, the Owner of the Vessel shall forfeit to Her Majesty fifty pounds for every day during which such omission continues.

tain matters affecting safety to Inspectors.

Penalty for default.

Precautions against Explosion, &c.

24. In a conspicuous and easily accessible place in every Steamboat, there shall be a steam-guage properly constructed and open to the view of all passengers and others on board such vessel, and shewing at all times the true pressure of the steam in the boiler thereof; And whenever such steamboat shall be stopped for any purpose, the master or person in charge of such steamboat shall open the safety valve, so as to keep the steam in the said boiler down to ten pounds below the pressure limited by the Inspector's certificate in high pressure engines, and five pounds below the pressure limited as aforesaid in low pressure engines, under the penalty of fifty pounds for every contravention of this provision; And if any master or engineer of any steamboat at any time allows the pressure of steam to which the boiler of such steamboat is subjected, to exceed that limited as aforesaid, or alters or conceals or otherwise deals with the said steam guage, so as to prevent the real pressure of steam from being seen and ascertained by any passenger, he shall thereby incur a like penalty of fifty pounds for every such offence.

A steam-guage shewing the true pressure in the boiler to be open to Passengers.

Pressure to be reduced when Boat stops.

Penalty for contravention or for exceeding the licensed pressure.

25. The steam-guage required by this Act to be open to the view of all passengers and others on board any steamboat, shall be put in such places and positions, and be of such construction, as the Inspector inspecting, visiting or examining such steamboat, shall from time to time direct.

Steam-guage to be approved by Inspector.

26. Each boiler of every steam vessel shall be provided with a suitable water guage, capable of showing the water level within each boiler at all times;—And all steam vessels navigating in brackish or salt water, shall be provided with surface blow off valves such as are commonly used on board seagoing steamers.

Water guages.

Blow off valves in salt water.

27. Every Inspector, when inspecting, visiting or examining the boiler and machinery of any steamboat, shall satisfy himself that the safety-valves attached thereto are of suitable dimensions, sufficient in number, well managed and in good working order, and only loaded so as to open at or below the certified working pressure; and he may, if he thinks proper, order and cause one of such safety-valves, of sufficient dimensions to discharge all the steam the boiler can generate, and of such construction as he shall approve, to be locked up and taken wholly

Safety valves to be examined by Inspector.

He may order one to be under lock.

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wholly away from the control of all persons engaged in navigating such vessel, and placed under his own sole control.

Condensing engines to have bilge injection pipe.

28. Every steam vessel carrying passengers and having a condensing engine shall be provided with a bilge injection valve and pipe of suitable dimensions leading from the floor frames of the vessel into the condenser of the engine.

Boats to be carried by Steamers.

Steamers to carry boats according to their tonnage.

29. The owner and master of every steamboat engaged in the transportation of freight and passengers on the Lakes Ontario, Erie, Huron, Simcoe and Superior, and on the River St. Lawrence or Ottawa, shall provide and carry with the steamboat, upon each and every voyage, two long-boats or yawls, each sufficient to carry at least twenty persons, if the burthen of such steamboat do not exceed two hundred tons, and not less than three long-boats or yawls, of the same or larger dimensions, if the tonnage of such steamboat exceeds two hundred tons; and for every failure in contravention of this section, the said master or owner shall incur a penalty of fifty pounds: But this section shall not apply to ferry-boats.

Such boats to be of a certain description.

30. At least one of the boats provided for and carried with every steamboat carrying passengers, if said boat be upwards of one hundred tons burthen, in pursuance of the next preceding section, shall be a life-boat, made of metal, fire-proof, and in all respects a good, substantial, safe sea-boat, capable of sustaining, inside and out-side, fifty persons, with life-lines attached to the gunwale at suitable distances; and all of such boats shall be well furnished with oars and other necessary apparatus, and shall be good, substantial and safe boats, and in good condition at all times for service.

Precautions against Fire.

Steamers to have fire-buckets, axes and life-preservers.

31. The owner and master of every such steamboat as aforesaid, shall provide and carry with the said steamboat, upon each and every voyage, at least twenty-five fire buckets and five axes, a good life-preserver made of suitable material, or a float well adapted to the purpose, for each and every passenger, which life-preservers and floats shall always be kept in convenient and accessible places in such steamboat, and in readiness for the use of the passengers.

Combustible materials not to be within a certain distance of heated iron, &c.

32. Suitable and safe provisions shall be made throughout to guard against danger from fire; and no combustible material liable to take fire from heated iron, or any other heat generated on board of such vessels in and about the boilers, pipes or machinery, shall be placed at less than six inches distant from such heated metal or other substance likely to cause ignition; and further, when wood is so exposed to ignition, it shall, as an additional preventive, be shielded by some

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some incombustible material, in such manner as to allow the air to circulate freely between such material and the wood: and metallic vessels or safes should be provided and kept in some convenient place to receive cotton, waste, hemp, and other inflammable subtances, which may be in use on board; Provided, however, that when the structure of such vessels is such, or the arrangement of the boilers or machinery is such, that the requirements aforesaid cannot, without serious inconvenience or sacrifice, be complied with, Inspectors may allow deviations from the said requirements, if, in their judgment, it can be done with safety.

Proviso: Inspectors may allow deviation in certain cases.

33. Every steamboat carrying passengers shall have at least three double-acting forcing pumps, with chamber at least four inches in diameter, two to be worked by hand and one by steam, if steam can be employed independent of and not worked by the main engine, otherwise all three by hand, one whereof shall be placed near the stern, one near the stem, and one amidships, each having a suitable well-fitted hose, of at least two-thirds the length of the vessel, kept at all times in perfect order and ready for immediate use; each of the said pumps shall also be supplied with water by a pipe connected therewith, and passing through the side of the vessel, so low as to be at all times in the water when the vessel is afloat: Provided, that in vessels not exceeding two hundred tons measurement, engine-room included, two of such pumps (one of which may be the steam-pump) may be dispensed with, and in vessels of over two hundred tons, but not exceeding five hundred tons measurement, engine-room included, one of such hand-pumps may be dispensed with, but in these cases the hose shall be of such length as to reach easily to every part of the vessel.

Every steamboat to have certain pumps for throwing water in case of fire.

Proviso: as to Vessels below a certain size.

34. Every steam vessel shall also be provided with a blow valve and pipe attached to the boiler to blow steam into the hold in case of fire.

And a valve for blowing steam into the hold.

35. Every steamboat carrying passengers on the main or lower deck, shall be provided with sufficient means convenient to such passengers for their escape to the upper deck, in case of fire or other accident endangering life.

Means of escape to the upper deck to be provided.

36. And on board every steamer there shall be placed, in some conspicuous place, accessible to all the passengers, a printed paper containing the number of pumps and boats with their capacity, and also the number of fire buckets, axes and life-preservers or floats on board of said steamboats, and a statement of the places where such buckets, axes and life-preservers or floats are kept.

Notice to be posted up as to pumps, boats, &c.

Engineers.

37. Any person claiming to be qualified to perform the duty of Engineer in Steamboats, shall apply for a certificate to the

Engineers to be examined,

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and if qualified to receive a certificate.

the Board of Inspectors, who shall examine the applicant and the proofs that he produces in support of his claim, and if upon full consideration they are satisfied that his character, habits of life, knowledge and experience in the duties of an Engineer are all such as to authorize the belief that the applicant is a suitable and safe person, to be entrusted with the powers and duties of such a station they shall give him a certificate to that effect for one year, under the hand and seal of the Chairmain; and the said certificate, subject to the above conditions, shall be renewed yearly, or when applied for; and for every such certificate the applicant shall pay the sum of five dollars, and for every renewal one dollar, which shall go to the Steamboat Inspection Fund hereafter mentioned; Provided always that the license of any such Engineer may be revoked by the said Board upon proof of negligence, unskilfulness or drunkenness, or upon the finding of a Coroner's Inquest.

Fee.

License may be revoked for cause.

None but licensed engineers to be employed or act.

Penalty.

38. It shall be unlawful for any person to employ or for any person to serve as engineer on any steamboat who is not licensed by the said Board, and any one so offending shall incur a penalty of fifty pounds; provided however, that if a vessel leave a port with a complement of Engineers, and on her voyage is deprived of their services or the services of any of them without the consent, fault or collusion of the master, owner or any one interested in the vessel, the deficiency may be temporarily supplied until others licensed can be obtained.

When ss. 36 and 37 shall be in force and to whom to apply.

39. Provided that the two next preceding sections shall not come into force until after the navigation shall be closed in the year one thousand eight hundred and fifty-nine, and shall only apply to those who shall hereafter become Engineers.

MISCELLANEOUS PROVISIONS,—DUTY, PENALTIES, &c.—INTERPRETATION.

Inspector may examine steamers at any time.

Those reported unsafe may be stopped.

Penalty for running them.

40. Every Inspector may at any time visit, within the limits assigned to him, any steamboat, and inspect and examine the same, and if he considers such vessel unsafe or unfit to carry passengers, he shall report thereon to the Governor in Council, who may, by Order in Council, direct that such vessel shall not be used or run until permitted so to do by the Inspector who shall have made such report, or by order of the Governor in Council; and any such vessel run or used in contravention of any such Order in Council, shall be liable to forfeiture and to seizure by the Collector of Customs at any port, and to sale, in the same way as goods liable to forfeiture for non-payment of duties.

Governor in Council may limit the number of passengers, &c.

41. The Governor in Council may, by an Order or Orders in Council, from time to time, prescribe and regulate the number of Cabin or Steerage or other passengers that may be carried by any Steamboat or class of Steamboats in this Province, either in proportion to the dimensions or tonnage thereof, or

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or both, or otherwise howsoever: But no such Order in Council shall take effect until after it has been published at least twice, at an interval of at least six days between each publication, in the *Canada Gazette.*

Order to be published, &c.

42. The Owner or Master of every Steamboat in this Province shall pay, yearly and every year, a rate or duty fixed by the Governor in Council, and not exceeding six pence currency for every ton which such Steamboat measures, and an inspection fee of five dollars for every Propeller, Freight or Tug Steamer, and every Ferry Steamer not exceeding one hundred tons burden, and of eight dollars for every Ferry or Passenger Steamboat over one hundred tons burden for each inspection, made imperative by this Act;—And the amount of such rate or duty and inspection fee or fees, shall in each case be paid to and received by the Collector of Customs at some one of the Ports in this Province, who shall account for and pay over the same to the Receiver General, at such times and in such manner as the Governor in Council may from time to time direct; and such sums, so from time to time collected and paid over, shall form a special fund for the purposes of this Act, to be called "The Steamboat Inspection Fund."

Duty on steamboats and inspection fees.

To be paid over and form an Inspection Fund.

43. Every Collector of Customs shall from time to time demand of the Owner or Master of every Steamboat, which he may have reason to think has not been inspected as required by this Act, or in respect of which he may have reason to think the rate or duty aforesaid is due and unpaid, the exhibition of the receipt and certificate in that behalf, appertaining to such Steamboat; and if receipts and certificates as aforesaid, to his satisfaction, are not produced within a reasonable time, then such Collector shall seize and detain such Steamboat until the same are procured and exhibited, and any penalty incurred and lawfully imposed in respect of such Steamboat, under the provisions of this Act, have been paid in full; and in default of payment such Collector shall sell such Steamboat, for the payment of such rate or duty or penalties, in the usual manner as if they were incurred for violation of the Customs' Laws.

Collector may seize any steamboat on which duty is unpaid.

And sell the same in default of payment.

44. No Inspector shall make or deliver a certificate respecting any Steamboat under this Act, unless the receipt of a Collector of Customs for the rate or duty, payable in respect of such Vessel for the then current year, has been produced and shewn to him, nor unless he be satisfied, by careful examination, that all the conditions and requirements of this Act have been fulfilled and complied with by and in respect of such Steamboat; and every Inspector shall report to some one of the Collectors of Customs any case of omission to pay such rate or duty or of omission to apply for such inspection as aforesaid, for more than one year from the date of the then last inspection, or of refusal to submit to inspection at any time, which may at any time or in any way come to his knowledge.

Inspector's certificate not to be granted for a steamer on which the duty for the year is not paid, &c.

Report to be made.

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Appeal from Inspector to Governor in Council.

45. Any person who feels himself aggrieved by any order or act of an Inspector, may, within two weeks thereafter, appeal therefrom to the Governor in Council, who may confirm, modify or disallow such act or order.

Liability for damages sustained by the non-observance of this Act.

46. If any damage to any person or property is sustained in consequence of the non-observance of any of the provisions of this Act for the inspection of Steamboats and the safety of those on board them, the same shall be deemed, in the absence of proof to the contrary, to have been caused by the wilful default of the Master or other person having charge of the Steamboat, in respect of which such non-observance has occurred or by which such damage is done, and the Owner thereof in all civil proceedings, and the Master or other person having charge thereof in all proceedings, whether civil or criminal, shall be subject to the legal consequences of such default.

Penalty for any contravention of this Act.

47. For every contravention in respect of any Steamboat in this Province, on any one voyage or trip thereof, of any provision in this Act or in any Order in Council made under it, the Owner or Master thereof shall incur a penalty of not more than fifty and not less than ten pounds.

Recovery and application of penalties.

48. Except as hereinafter provided,—All penalties incurred under this Act may be recovered in the name of Her Majesty, by any Inspector or by any party aggrieved by any act, neglect or omission, on the evidence of one credible witness, before any two Justices of the Peace, and in default of payment of such penalty, such Justices may commit the offender to Gaol for any period not exceeding three months;—and, except as hereinafter provided, all penalties recovered under this Act shall be paid to the Receiver General, and shall be by him placed to the credit and form part of "The Steamboat Inspection Fund": Except always, that all penalties incurred for any offence against the first thirteen sections of this Act, shall, if such offence is committed within the jurisdiction of the Trinity House of Quebec, or of the Trinity House of Montreal, be sued for, recovered and applied in like manner as penalties imposed for contraventions of the By-laws of the Trinity House within whose jurisdiction the offence is committed.

Exception if incurred within jurisdiction of Trinity Houses.

Interpretation.

49. In this Act, the word "Steamboat" means any Vessel used in navigation, propelled wholly or in part by Steam; and the word "Owner" includes the Lessee or Charterer of any such vessel; the word "Boiler" is to be construed as "Boiler or Boilers," in the case of a Steamboat having more than one; and the word "Year" means the calendar year, commencing on the first day of January and ending on the thirty-first day of December.

50.

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50. The provisions of this Act relating to the Inspection of Steamboats shall not apply to Steamboats belonging to and registered in Ports not within this Province, so long as such Steamboats ply between some other country and Canada, and are only transitorily within this Province. Inspection not to apply to certain Vessels not belonging to the Province.

51. The Acts of the Parliament of this Province,— Repealing clause.

Fourteenth and fifteenth Victoria, chapter one hundred and twenty-six,— 14, 15 V. c. 126.

Sixteenth Victoria, chapter one hundred and sixty-seven,— 16 V. c. 167.

Twentieth Victoria, chapter thirty-four,— 20 V. c. 34.

The second, fourth and fifth sections of the Act of the Parliament of the late Province of Upper Canada, seventh William the Fourth, chapter twenty-two,— 7 W. 4, c. 22.

And any Trinity House By-law or Rule inconsistent with this Act,— Inconsistent Bylaws.

shall be repealed from the time this Act comes into force, except in so far as relates to any appointment made, any right acquired, or any penalty incurred, under any of them before that time, which shall be continued, enforced and recovered under them as if this Act had not been passed. Exception.

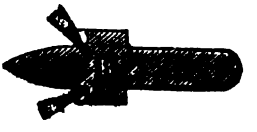
52. Except as hereinbefore provided, this Act shall come into force on the first day of July next. Commencement of this Act.

SCHEDULE.

The following Diagrams are intended to illustrate the use of the Lights carried by vessels under the foregoing Act, and the manner in which they indicate to the vessel which sees them the position and description of the vessel which carries them:

First.—When both Red and Green Lights are seen:

A sees a Red and Green Light ahead;—A knows that a vessel is approaching her on a course directly opposite to her own, as B;



If A sees a White Mast-head Light above the other two, she knows that B is a steam-vessel.

Second.—When the Red, and not the Green Light, is seen:

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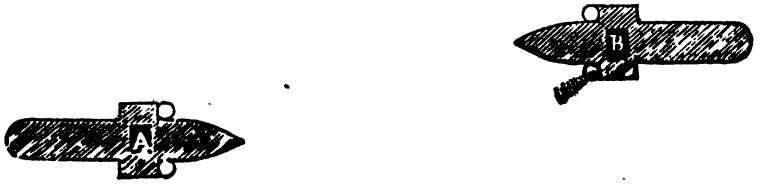
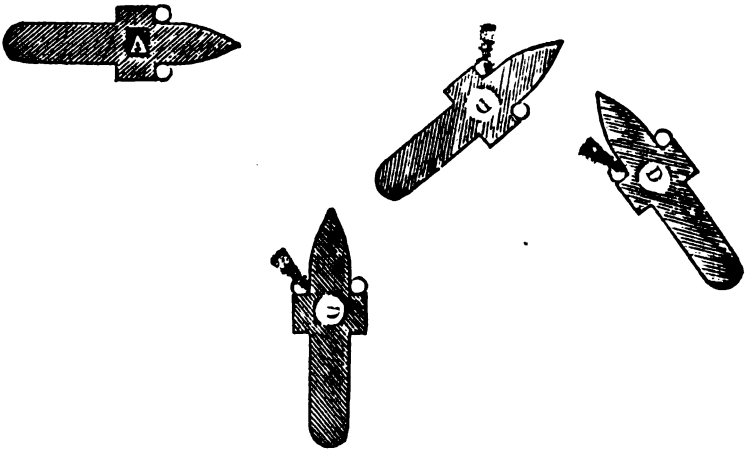
A sees a Red Light ahead or on the bow; — A knows that either,

1, a vessel is approaching her on her port bow, as B;



or, 2, a vessel is crossing in some direction to port, as D D D.



If A sees a White Mast-head Light above the Red Light, A knows that the vessel is a steam-vessel, and is either approaching her in the same direction, as B, or is crossing to port in some direction, as D D D.

Third.—When the Green, and not the Red Light, is seen:

A sees a Green Light ahead or on the bow;—A knows that either,

1, a vessel is approaching her on her starboard bow, as B;

or,

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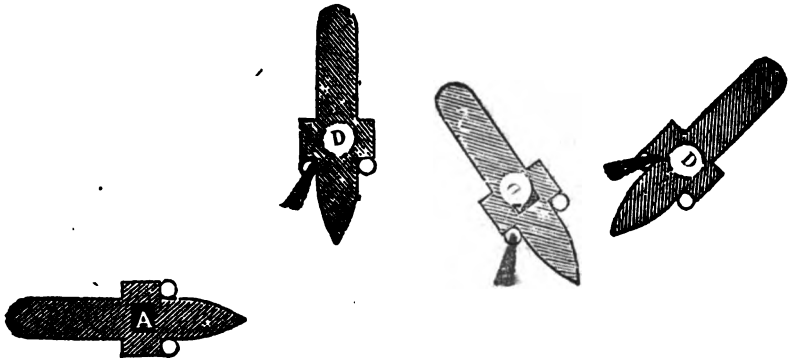
or, 2, a vessel is crossing in some direction to starboard, as D D D.



If A sees a White Mast-head Light above the Green Light, A knows that the vessel is a steam-vessel, and is either approaching her in the same direction as B, or is crossing to starboard in some direction, as D D D.

CAP. XX.

An Act granting additional facilities in Commercial Transactions.

[*Assented to 4th May*, 1859.]

FOR the purpose of affording additional facilities in Commercial Transactions: Her Majesty, by and with the advice and consent of the Legislative Council and Assembly of Canada, enacts as follows: **Preamble.**

1. Notwithstanding any thing to the contrary in the Charter or Act of incorporation of any Bank in this Province, any bill of lading, any specification of timber, or any receipt given by a warehouseman, miller, wharfinger, master of a vessel, or carrier, for cereal grains, goods, wares or merchandize, stored or deposited, or to be stored or deposited in any warehouse, mill-cove, or other place in this Province, or shipped in any vessel, or delivered to any carrier for carriage from any place whatever to any part of this Province, or through the same, or on the waters bordering thereon, or from the same to any other place whatever, and whether such cereal grains are to be delivered upon such receipt in species or converted into flour, may, by indorsement thereon by the owner of, or person entitled to receive such cereal grains, goods, wares or merchandize, or his attorney or agent, be transferred to any incorporated or chartered Bank in this Province, or to any person for such Bank, or to any private person or persons, as collateral security for the due payment of any bill of exchange or note discounted by such **Banks may take bills of lading, wharfinger, receipts, &c, as collateral security for bills, &c., discounted.**

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such Bank in the regular course of its Banking business, or any debt due to such private person or persons, and being so indorsed shall vest in such Bank or private person from the date of such indorsement, all the right and title of the indorser to or in such cereal grains, goods, wares or merchandize, subject to the right of the indorser to have the same re-transferred to him, if such bill, note or debt be paid when due; And in the event of the non-payment of such bill or note or debt when due, such Bank or private person may sell the said cereal grains, goods, wares or merchandize, and retain the proceeds or so much thereof as will be equal to the amount due to the Bank or private person upon such bill or note or debt, with any interest or costs, returning the overplus, if any, to such indorser; Provided always, that no such cereal grains, goods, wares or merchandize, shall be held in pledge by such Bank or private person for any period exceeding six calendar months; and provided also, that no transfer of any such bill of lading, specification of timber or receipt, shall be made under this Act to secure the payment of any bill, note or debt, unless such bill, note or debt is negotiated or contracted at the same time with the indorsement of such bill of lading, specification of timber or receipt; and provided further, that no sale of any cereal grains, goods, wares or merchandize, shall take place under this Act until or unless ten days' notice of the time and place of such sale shall have been given by registered letter transmitted through the Post Office, to the owner of such cereal grains, goods, wares or merchandize prior to the sale thereof.

And may sell the goods if such bills are not duly paid, returning surplus, &c.

Proviso: goods not to be held beyond a certain time.

At what time any such security must be transferred.

Goods not to be sold without notice to owner.

Act 12 V. c. 12 to apply to cases under this Act.

2 The Act of the Parliament of this Province passed in the twelfth year of the reign of Her Majesty, intituled, *An Act for the punishment of Warehousemen and others giving false receipts for merchandize, and of persons receiving advances upon goods and afterwards fraudulently disposing of the same*, shall be applicable and shall be applied to all false bills of lading, receipts or documents in the first section of this Act mentioned, and any person or persons knowingly giving, accepting, transmitting and using the same, shall be subject to all the pains and penalties imposed by that Act in respect of the receipts therein specified.

Act to apply to Banks Chartered this Session.

3. The provisions of this Act shall extend to all Banks which may be chartered during the present session, notwithstanding any thing to the contrary in any Act incorporating the same.

CAP

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CAP. XXI.

An Act to amend the Laws of this Province relating to Weights and Measures.

[*Assented to 4th May*, 1859.]

WHEREAS an Act was passed in the sixteenth year of Her Majesty's Reign, chaptered one hundred and ninety-three, establishing a Standard Weight for grain and pulse; And whereas it is expedient to establish a Standard Weight in this Province, for roots, seed and some kinds of dried fruit: Therefore, Her Majesty, by and with the advice and consent of the Legislative Council and Assembly of Canada, enacts as follows:

Preamble.

16 V. c. 193.

1. From and after the passing of this Act, the following weights shall be, and the same are hereby declared to be the standard weights which in all cases shall be allowed to be equal to the Winchester Bushel, namely:

Standard weights of certain articles.

Potatoes, turnips, carrots, parsnips, beets and onions..	60 lbs.
Flax seed	50 "
Hemp seed	44 "
Blue grass seed	14 "
Castor beans	40 "
Salt	56 "
Dried Apples	22 "
Dried Peaches	33 "
Malt	36 "

2. In Upper Canada upon any sale and delivery of any of the articles in this Act mentioned, and in every contract which shall be made after the passing of this Act, for the sale and delivery of any of the said articles, the bushel shall be taken and intended to mean the weight of a bushel as regulated by this Act, and not a bushel in measure, or according to a greater or less weight; and in Lower Canada upon any sale or delivery of the said articles, the *minot* shall be taken and intended to be the weight of a bushel as regulated by this Act, and not a *minot* or bushel in measure, or according to any greater or lesser weight, unless the contrary shall appear to have been agreed upon by the parties.

In future contracts weight to be understood instead of measure.

3. And whereas with a view to facilitate calculation, it is expedient to alter the present standard of the ton weight and hundred weight; therefore, so much of the Act of Upper Canada, passed in the fourth year of the Reign of His late Majesty, King George the Fourth, as provides that the weights and measures used in Upper Canada, shall be in accordance with the standard of Her Majesty's Exchequer in England, in so far as it relates to the standard weights of hundred weight and

Former provisions as to the cwt and ton repealed.

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and ton, and their parts, multiples and proportions respectively, and so much of any Act or law in force in Lower Canada as regulates or affects the standard of the hundred weight and the ton, shall be and the same are hereby repealed.

Hundred weight to be 100 lbs. avoirdupoids.

Ton weight to be 2,000 lbs.

4. From and after the passing of this Act, the hundred weight for weighing all goods, wares and other commodities whatsoever, sold by the hundred weight or ton weight in this Province, shall contain and consist of one hundred pounds avoirdupois, and not of one hundred and twelve pounds as heretofore, and the ton weight used for the said purposes shall contain and consist of twenty hundred weight, as hereinabove established, or of two thousand pounds avoirdupois, and not of two thousand two hundred and forty pounds as heretofore; and the said hundred weight and ton weight as hereby established, with their parts, multiples and proportions, shall be held to be, from and after the period above mentioned, the standard weight in this Province, for the weighing of all goods, wares and commodities above mentioned; and in all cases in which a duty or toll is imposed by law upon or by the hundred weight or the ton, such duty or toll shall be chargeable on the hundred weight or ton, as fixed and established by this Act.

Act to apply to duties, tolls, &c.

Laws in force as to weights and measures to apply to those hereby established.

5. All and every the laws now in force in Upper and Lower Canada respectively, relating to the examination and adjustment of weights and measures in the said sections of the Province, shall be extended to and apply to the standards of the ton weight and hundred weight hereby established, and to the several parts and proportions thereof, the said standard weights hereby established being, as regards such inspection and adjustment and the duties of the inspectors of weights and measures and others under the said Acts, and the penalties to be incurred for infraction thereof, in all respects substituted for the standard hundred weight and ton heretofore in use.

Act not to affect existing contracts.

6. No contract made before the passing of this Act shall be affected or avoided by any thing herein contained.

CAP. XXII.

An Act to amend the Act respecting Joint Stock Trading Companies.

[*Assented to 4th May*, 1859.]

Preamble.

WHEREAS it is expedient to authorize the formation of Joint Stock Companies for other purposes than those now mentioned in the several Acts in that behalf: Therefore, Her Majesty, by and with the advice and consent of the Legislative Council and Assembly of Canada, enacts as follows:

1.

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1. The Act of the thirteenth and fourteenth Victoria, chapter twenty-eight, section one, is hereby amended as follows: After the words "any kind of manufacturing, ship building, mining, mechanical or chemical business," in the said section, the words, "or for the erection of any building or buildings to be used in whole or in part for a Mechanics' Institute, for a public Reading or Lecture Room, for Agricultural or Horticultural Fairs or Exhibitions, or for Educational, Literary, or Religious purposes, or for a public Hotel, Baths and Bath Houses," shall be added.

Act 13, 14 V. c. 28, extended to Companies formed for certain purposes.

CAP. XXIII.

An Act to amend the Act "to provide for the Registration of Debentures issued by Municipal and other Corporate Bodies."

[*Assented to 4th May*, 1859.]

WHEREAS several Municipalities in Upper Canada have by their petitions prayed that the Act passed in the twenty-second year of Her Majesty's Reign, intituled, *An Act to provide for the Registration of Debentures issued by Municipal and other Corporate Bodies*, may be amended in so far as relates to the publication thereby required; And whereas, in order to lessen the expenses connected therewith, it is desirable that such amendments should be made: Therefore, Her Majesty, by and with the advice and consent of the Legislative Council and Assembly of Canada, enacts as follows:

Preamble.

22 V. c. 91.

1. So much of the first and second sections of the above recited Act as declares it to be the duty of the Clerk or Secretary-Treasurer, or person acting as such, of every Municipal or Provisional Municipal Corporation, and of the Clerk or Secretary, or person acting as such, of any other Corporate Body, to cause the Returns therein specified to be published in the *Canada Gazette*, and also in some newspaper published in such County, or if there be no newspaper, then in some newspaper in the County nearest thereto in which there is a newspaper, shall be and the same are hereby repealed.

Part of sects. 1 and 2 requiring publication in newspapers, repealed.

2. In lieu of such publication, it shall be the duty of the Clerk or Secretary-Treasurer, or person acting as such, of every Municipal or Provisional Municipal Corporation, and of the Clerk or Secretary, or person acting as such, of any other Corporate Body (excepting such as are in and by said Act excepted), on or before the tenth day of January in each year, to transmit to the Auditor a Return made up to the thirty-first day of December then last past, in the form specified in the Schedule hereunto annexed marked C, shewing the name of the Municipal or Provisional Municipal Corporation, or other Corporate Body,—the amount of

Return to be made to Auditor instead.

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of its debt, if any, distinguishing the amount of debt incurred under the Municipal Loan Fund Acts, if any, from the remainder of its debt,—the assessed value of the real and personal estate belonging to such Corporation or Company, or the assessed value of the real and personal estate of the Municipality, or both, as the case may be,—the total rates, if any, per pound, assessed on such last mentioned property for all purposes, and the amount of interest due by the Corporation or Company, or by the Municipality.

Auditor to compile tables from such Returns and lay them before Parliament.

3. The Auditor shall annually compile from the Returns so transmitted a statement in tabular form, shewing the names of the several Corporations in one column, and the contents of their respective Returns against their respective names in other columns corresponding to those in the said Schedule; and he shall cause copies thereof to be laid before each branch of the Legislature within the first fifteen days of the Session next after the completion of the same, or if Parliament be sitting when the same is completed, as soon as may be after such completion.

Time for transmitting By-laws to Registrars, extended.

4. The time limited by the first section of the said Act, for causing copies of By-laws and Returns relating to By-laws, passed before the date of the said Act to be transmitted to Registrars of Counties and Registration Divisions, is hereby extended to six months after the passing of this Act.

Penalty on Officers of Corporations neglecting their duties under the said Act and this Act.

5. Any Clerk, Secretary, or Secretary-Treasurer as aforesaid, of any Municipality or Corporate Body as aforesaid, neglecting to perform, within the proper period, any duty devolving upon him in virtue of this Act, or of the said Act as amended by this Act, shall be subject to a fine of fifty pounds, or in default of payment thereof, to imprisonment until such fine is paid, but for a period not exceeding twelve months, to be prosecuted for in the name of the Attorney General, in any Court having competent jurisdiction.

Punishment under former Act repealed.

6. So much of the Act first above mentioned as provides any punishment, is repealed.

SCHEDULE

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SCHEDULE C.

RETURN as required by the Act intituled (*here insert title of this Act*) of Debentures issued by (*here insert title of Corporation.*)

LIABILITIES.			Assessed value of Real and Personal Estate belonging to the Body Corporate.		Assessed value of the Real and Personal Estate of the Municipality.		Total rates Assessed for all purposes.	Interest due by the Corporation (*or* Company, *or* Municipality.)
Under Municipal Loan Fund Acts.	All other Liabilities.	Total Liabilities.	Real.	Personal.	Real.	Personal.		

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CAP. XXIV.

An Act further to amend the laws relating to the crime of Forgery.

[*Assented to 4th May*, 1859.]

Preamble.

WHEREAS it is expedient further to amend the laws relating to the crime of forgery: Therefore, Her Majesty, by and with the advice and consent of the Legislative Council and Assembly of Canada, enacts as follows:

Forging or counterfeiting marks, labels, on goods, how punishable.

1. Every person who shall knowingly and wilfully, and with intent to deceive and defraud, forge or counterfeit, or cause or procure to be forged or counterfeited any private mark, token, stamp or label of any manufacturer, mechanic or other person being a resident of this Province, upon or with respect to any goods, wares or merchandize whatsoever, shall be guilty of felony, and shall be punished by imprisonment in the Common Gaol for a term at the discretion of the Court, but less than two years.

Vending goods, &c., with forged marks or labels to be a misdemeanor, and how punishable.

2. Every person who shall vend any goods, wares or merchandize, having thereon any forged or counterfeited private mark, token, stamp or label, purporting to be the private mark, token, stamp or label of any other person being a resident of this Province, knowing the same at the time of the purchase thereof by him to be forged or counterfeited, shall be guilty of a misdemeanor, and shall be punished by imprisonment in the Common Gaol for a term not exceeding six months, or by a fine of not more than one hundred dollars, or by both, in the discretion of the Court.

CAP. XXV.

An Act to amend the Law of False Pretences.

[*Assented to 4th May*, 1859.]

Preamble.

WHEREAS it is expedient to amend the law relating to false pretences: Therefore, Her Majesty, by and with the advice and consent of the Legislative Council and Assembly of Canada, enacts as follows:

Obtaining signature to any bill, &c., by false pretences to be a misdemeanor.

1. If any person by any false pretence obtains the signature of any other person to any bill of exchange, promissory note, or any valuable security, with intent to cheat or defraud, every such offender shall be guilty of a misdemeanor, and shall be liable to fine or imprisonment, or both, at the discretion of the Court; such imprisonment to be for a period less than two years.

CAP.

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CAP. XXVI.

An Act to prevent the carrying of Bowie-knives, Daggers, and other deadly weapons about the person.

[*Assented to 4th May*, 1859.]

WHEREAS the practice of carrying deadly weapons about the person is attended with great danger, and tends to aggravate the consequences of sudden quarrels, and it is therefore expedient to put a stop to it: Therefore, Her Majesty, by and with the advice and consent of the Legislative Council and Assembly of Canada, enacts as follows: Preamble.

1. If any person shall, from and after the passing of this Act, carry about his person any Bowie-knive, Dagger or Dirk, or any weapons called or known as Iron Knuckles, Skull-crackers, or Slung Shot, or other offensive weapons of a like character, or shall secretly carry about the person any instrument loaded at the end, or shall sell or expose for sale, publicly or privately, any such weapon, he shall be subject, on conviction, to a fine of not less than ten nor more than forty dollars, and in default of payment thereof, to imprisonment for a term not exceeding thirty days, at the discretion of the Court wherein the offence is tried; Provided that nothing herein contained shall apply to Her Majesty's Army or Navy, or Militia, or Volunteer Force, nor to any Highland or National Society carrying arms as part of their national costume. Punishment for carrying certain weapons. Proviso: Act not to apply to certain cases.

2. Any person charged with having committed any offence against the provisions of this Act, may be tried and dealt with in pursuance of the Act twentieth Victoria, chapter twenty-seven, as amended by the Act twenty-second Victoria, chapter twenty-seven. How the offender shall be tried.

3. It shall be the duty of the Court or Magistrate before whom any person is convicted under this Act, to impound the weapon for carrying which such person is convicted, and to cause the same to be destroyed. Weapons to be impounded.

4. All prosecutions under this Act shall be commenced within one month from the offence charged; and from any conviction or decision under this Act, an appeal shall lie to the Court of General Quarter Sessions of the Peace for the County in Upper Canada or District in Lower Canada wherein the same takes place, subject in Upper Canada to the provisions of the Act thirteenth and fourteenth Victoria, chapter fifty-four, and in Lower Canada to the provisions of law regulating appeals to the Quarter Sessions generally. Limitation of prosecutions. Appeal allowed.

5. This shall be a Public Act. Public Act.

CAP.

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CAP. XXVII.

An Act respecting the application of Convict Labour, and the punishment of incorrigible offenders.

[*Assented to 4th May*, 1859.]

Preamble.

WHEREAS it is expedient to authorize the Warden of the Provincial Penitentiary to employ Convicts on the grounds of the Criminal Lunatic Asylum, at Rockwood, near Kingston, when occasion may require; And whereas it is expedient to amend the ninth Section of "The Prison Inspection Act, 1857:" Therefore, Her Majesty, by and with the advice and consent of the Legislative Council and Assembly of Canada, enacts as follows:

Convicts may be taken to the Criminal Lunatic Asylum at Rockwood.

1. The Warden of the Provincial Penitentiary may, from time to time, under the sanction of the Inspectors of the Provincial Penitentiary, cause to be conveyed and taken from the Penitentiary such and so many Convicts as he may think proper to the Criminal Lunatic Asylum grounds at Rockwood, near the City of Kingston, and there to retain them so long as he may think proper, under such sanction, and cause them to be returned to the Provincial Penitentiary.

How the conveyance of such convicts to and fro, shall be conducted.

2. Such Convicts shall proceed or be conveyed to such Lunatic Asylum grounds and from thence be reconveyed to the Provincial Penitentiary by land or water, as to the said Warden may appear most prudent and desirable, in such manner and under such regulations as shall be provided by the Inspectors of the Provincial Penitentiary; and their conveyance to and fro, and also their employment in and upon the said grounds at Rockwood, shall be done only under the strictest supervision and care of officers appointed to that duty, and under and subject to such written rules and regulations for the transport, regulation and supervision of the Convicts whilst so employed, to be made by the Inspectors of the Provincial Penitentiary, as may be approved by the Governor in Council.

Penitentiary to include Rockwood and the carriages, &c., used for conveying convicts.

3. The said Penitentiary shall be held to include the carriages, waggons, vehicles, boats, scows or other vessel or vessels of carriage by which the Convicts may be so, from time to time, conveyed, and also any wharf at which the said Convicts may be landed or embarked, and the houses, buildings and erections, and also all and every the grounds at Rockwood, upon which, or any part of which, the said Convicts may be so engaged in labour as aforesaid.

Provisions of 14, 15 V. c. 2, extended to cases, &c., under this Act.

4. All and every the provisions of the Act passed in the session held in the fourteenth and fifteenth years of Her Majesty's Reign, and intituled, *An Act for the better management of the Provincial Penitentiary*, so far as the same shall be consistent with the purposes

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purposes of the preceding sections of this Act, shall be applicable to the Convicts whilst so being conveyed or employed as aforesaid, and to the limits of the Provincial Penitentiary, as extended by the third section of this Act.

5. The ninth section of "The Prison Inspection Act, 1857," is hereby repealed, and the following section shall be substituted for such repealed section, and shall be read as part of the said Act:

Sect. 9, of 20 V. c. 28, repealed.

"It shall be lawful for the Governor at any time, on report of the Inspectors, in his discretion, to order any offender sentenced under the fifth section of this Act, or any Convict transferred to either of the Reformatory Prisons of this Province, under the seventh section of this Act, to be removed from either of the said Reformatory Prisons, as incorrigible, and in every such case the offender or Convict shall be liable to be confined in the Provincial Penitentiary for the remainder of the term of imprisonment for which he shall have been originally sentenced in such Reformatory Prison or in the Provincial Penitentiary."

New Section substituted.

Incorrigible offenders may be removed from Reformatory Prisons to the Penitentiary.

CAP. XXVIII.

An Act to continue for a limited time the several Acts and Ordinances therein mentioned, and for other purposes.

[*Assented to 4th May*, 1859.]

WHEREAS it is expedient further to continue the Acts and Ordinances hereinafter mentioned, which would otherwise expire at the end of the present Session: Therefore, Her Majesty, by and with the advice and consent of the Legislative Council and Assembly of Canada, enacts as follows:

Preamble.

1. The Act of the Parliament of this Province, passed in the seventh year of Her Majesty's Reign, and intituled, *An Act to prevent obstructions in Rivers or Rivulets in Upper Canada*, as amended and explained by the Act of the said Parliament, passed in the Session held in the tenth and eleventh years of Her Majesty's Reign, and intituled, *An Act to amend, explain and continue an Act passed in the seventh year of the Reign of Her Majesty, intituled, 'An Act to prevent obstructions in Rivers or Rivulets in Upper Canada,'* and by the Act of the said Parliament, passed in the Session held in the fourteenth and fifteenth years of Her Majesty's Reign, and intituled, *An Act to explain and amend the Acts for preventing obstructions in Rivers and Rivulets in Upper Canada*, and both the said last mentioned Acts; the Act of the said Parliament passed in the eighth year of Her Majesty's Reign, and intituled, *An Act for the better preservation of the Peace and the prevention of Riots and*

Acts of Canada.

7. V. c. 36,

As amended by 10, 11 V. c. 20,

and by 14, 15 V. c. 123.

8 V. c. 6,

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and violent outrages at and near Public Works, while in the progress of construction, as amended and extended by the Act passed in the Session held in the fourteenth and fifteenth years of Her Majesty's Reign, and intituled, *An Act to continue an Act passed in the eighth year of the Reign of Her Majesty, intituled, 'An Act for the better preservation of the Peace and the prevention of Riots and violent outrages at and near Public Works, while in progress of construction,' and to extend the operation thereof to certain works undertaken by Incorporated Companies*, and the said last mentioned Act; the Act of the said Parliament, passed in the eighth year of Her Majesty's Reign, and intituled, *An Act to amend the Act and Ordinance therein mentioned, relative to the Registration of Titles to, and Incumbrances upon, Real Property in Lower Canada;* the Act of the said Parliament, passed in the same year of Her Majesty's Reign, and intituled, *An Act for the relief of Insolvent Debtors in Upper Canada, and for other purposes therein mentioned*, except the forty-fourth Section of the said Act; the Act of the said Parliament, passed in the ninth year of Her Majesty's Reign, and intituled, *An Act to empower Commissioners for enquiring into matters connected with the public business, to take evidence on oath;* the Act of the said Parliament, passed in the Session held in the tenth and eleventh years of Her Majesty's Reign, and intituled, *An Act to enlarge the powers of the Trinity House of Montreal, in certain cases where the Public Health of the City may be endangered;* the Act of the said Parliament, passed in the eleventh year of Her Majesty's Reign, and intituled, *An Act to provide for the Inspection of Butter in Quebec and Montreal;* the Act of the said Parliament, passed in the fourteenth and fifteenth years of Her Majesty's Reign, and intituled, *An Act for the better Management of the Provincial Penitentiary;* the Act passed in the same Session, and intituled, *An Act to provide a more summary and less expensive process for Proprietors of Real Property in Lower Canada to acquire possession thereof, when illegally detained from them in certain cases*, as amended by the Act passed in the sixteenth year of Her Majesty's Reign, and intituled, *An Act to amend the Act fourteenth and fifteenth Victoria, chapter ninety-two, relating to the illegal detention of Real Property in Lower Canada*, and the said last mentioned Act; the Act of the Parliament of the late Province of Lower Canada, passed in the second year of the Reign of His late Majesty King George the Fourth, and intituled, *An Act for better regulating the Common of the Seigneurie of Laprairie de la Madeleine;* the Act of the said Parliament, passed in the same year of the same Reign, and intituled, *An Act to enable the inhabitants of the Seigneurie of La Baie Saint Antoine, commonly called La Baie du Febvre, to provide for the better regulation of the Common in the said Seigneurie*, as amended and extended by the Act of the said Parliament, passed in the fourth year of the same Reign, and intituled, *An Act to authorize the Chairman and Trustees of the Common of the Seigniory of the Baie Saint Antoine, commonly called*

As amended and extended by—
14, 15 V. c. 76.
8 V. c. 27.
8 V. c. 48, except s. 44.
9 V. c. 38.
10, 11 V. c. 1.
11 V. c. 7.
14, 15 V. c. 2.
14, 15 V. c. 92.
16 V. c. 205.
Acts of Lower Canada.
L. C. 2 G. 4, c. 8.
L. C. 2 G. 4, c. 10,
As amended by—
L. C., 4 G. 4, c. 26.

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called the Baie du Febvre, to terminate certain disputes relating to the limits of the said Common, and for other purposes appertaining to the same; the Act of the said Parliament, passed in the ninth year of the same Reign, and intituled, *An Act to provide for the more effectual extinction of secret incumbrances on lands than was heretofore in use in this Province;* the Act of the said Parliament, passed in the same year of the same Reign, and intituled, *An Act to prevent fraudulent Debtors evading their Creditors in certain parts of this Province;* the Act of the said Parliament, passed in the same year of the same Reign, and intituled, *An Act to facilitate the proceedings against the Estates and Effects of Debtors in certain cases;* the Act of the said Parliament, passed in the same year of the same Reign, and intituled, *An Act to alter and amend An Act passed in the sixth year of His Majesty's Reign, intituled, 'An Act to authorize the inhabitants of the Fief Grosbois, in the County of Saint Maurice, to make regulations for the Common of the said Fief;'* the Act of the said Parliament passed in the first year of the Reign of His late Majesty King William the Fourth, and intituled, *An Act to encourage the destruction of Wolves;* the Act of the said Parliament, passed in the third year of the same Reign, and intituled, *An Act further to suspend certain parts of an Act or Ordinance therein mentioned, and to consolidate and further to continue for a limited time the provisions of two other Acts therein mentioned, for more effectually ascertaining the damages on protested Bills of Exchange, and for determining disputes relating thereto, and for other purposes;* the Act of the said Parliament, passed in the sixth year of the same Reign, and intituled, *An Act to provide for the Medical Treatment of sick Mariners,* as amended by the Act of the Parliament of Canada, passed in the eighth year of Her Majesty's Reign, and intituled, *An Act for the relief of shipwrecked and destitute Mariners, in certain cases therein mentioned,* and by the Act passed in the sixteenth year of Her Majesty's Reign, and intituled, *An Act to exempt certain Vessels from the duty imposed by the Act to provide for the Medical Treatment of sick Mariners,* and both the said last mentioned Acts; the Act of the Parliament of the late Province of Upper Canada, passed in the eleventh year of the Reign of His late Majesty King George the Fourth, and intituled, *An Act to authorize the Quarter Sessions of the Home District to provide for the relief of Insane Destitute persons in that District;* the Act of the said Parliament, passed in the third year of the Reign of His late Majesty King William the Fourth, and intituled, *An Act to continue an Act passed in the eleventh year of His late Majesty's Reign, intituled, 'An Act to authorize the Quarter Sessions of the Home District to provide for the relief of Insane destitute persons in that District,' and to extend the provisions of the same to the other Districts of this Province;* and the Act of the said Parliament, passed in the sixth year of the same Reign, and intituled, *An Act to repeal an Act passed in the forty-ninth year of*

L. C., 9 G. 4, c. 20.

L. C., 9 G. 4, c. 27.

L. C., 9 G. 4, c. 28.

L. C., 9 G. 4, c 32.

L. C, 1 W. 4, c. 6.

L. C., 3 W. 4, c. 14.

L. C., 6 W. 4, c. 35, As amended by— 8 V. c. 12.

16 V. c. 166.

Acts of Upper Canada:

U. C., 11 G. 4. c. 20.

U. C., 3 W. 4, c. 45.

U C., 6 W. 4, c. 13

of the Reign of His late Majesty King George the Third, intituled, 'An Act to encourage the destroying of Wolves in this Province,' and to make further provision for exterminating those destructive animals,—shall be, and all and every of the said Acts and Ordinances are hereby continued to the first day of January, one thousand eight hundred and sixty, and from thence until the end of the then next ensuing Session of the Provincial Parliament, and no longer.

The said Acts continued to 1st January, 1860, and to the end of the then next Session.

Acts of Canada:

7 V. c. 10.

9 V. c. 30.

12 V. c. 18.

13, 14 V. c. 20.

2. The Act of the Parliament of this Province, passed in the seventh year of Her Majesty's Reign, and intituled, *An Act to repeal an Ordinance of Lower Canada, intituled, 'An Ordinance concerning Bankrupts, and the administration and distribution of their estates and effects,' and to make provision for the same object throughout the Province of Canada*, and the Act amending the same, passed in the ninth year of Her Majesty's Reign, and intituled, *An Act to continue and amend the Bankrupt Laws now in force in this Province*, in so far only as the same are continued by and for the purposes mentioned in the Act passed in the twelfth year of Her Majesty's Reign, and intituled, *An Act to make provision for the continuance and completion of proceedings in Bankruptcy now pending*, and the said last mentioned Act; and the Act of the said Parliament, passed in the Session held in the thirteenth and fourteenth years of Her Majesty's Reign, and intituled, *An Act to afford relief to Bankrupts in certain cases*, shall respectively be and they are hereby continued, and shall remain in force until the said first day of January, one thousand eight hundred and sixty, and thence until the end of the then next ensuing Session of the Provincial Parliament, and no longer.

Continued to 1st January, 1860, &c.

Acts of Lower Canada:

L. C., 6 W. 4, c. 19.

Continued to 1st January, 1860, &c.

Proviso: To cease when Tariffs are made under—

L. C., 14, 15 V. c. 95.

3. The Act of the Parliament of the late Province of Lower Canada aforesaid, passed in the sixth year of the Reign of His late Majesty King William the Fourth, and intituled, *An Act to regulate the Fees of persons employed by Justices of the Peace in the Country Parishes, as Clerks or Bailiffs in certain cases*, shall be and is hereby continued to the said first day of January, one thousand eight hundred and sixty, and thence until the end of the then next ensuing Session of the Provincial Parliament, and no longer: Provided always, that in the several Judicial Districts of Lower Canada, so much of the said Act as relates to the Fees to be granted to persons acting as Clerks to Country Magistrates, shall cease to have any force in the said Districts respectively, if or so soon as a Tariff of Fees shall have been promulgated in such District, under the provisions of an Act, passed in the Session of the Legislature held in the fourteenth and fifteenth years of Her Majesty's reign, and intituled, *An Act to facilitate the performance of the duties of Justices of the Peace out of Sessions, with respect to summary convictions and orders.*

18 V. c. 77.

4. The Act of the Parliament of this Province passed in the eighteenth year of Her Majesty's reign, and intituled, *An Act to regulate*

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regulate the Militia of this Province, and to repeal the Acts now in force for that purpose, and the Act amending the same passed in the nineteenth and twentieth years of Her Majesty's Reign and intituled, *An Act to amend the Militia Law*, shall respectively be and they are hereby continued and shall remain in force until the said first day of January, one thousand eight hundred and sixty, and thence until the end of the then next ensuing session of the Provincial Parliament and no longer, subject always to the proviso contained in the last section of the Act first cited in this section and hereby continued.

19, 20 V. c. 44.

Continued to 1st January, 1860, &c.

5. Provided always, that nothing herein contained shall prevent the effect of any Act passed during the present Session, repealing, amending, rendering permanent, or continuing to any further period than that herein appointed, any of the Acts or Ordinances hereinbefore mentioned and continued, nor shall continue any provision or part of any of the Acts or Ordinances in this Act mentioned, which may have been repealed by any Act passed during the present Session or in any previous Session.

Proviso: this Act not to prevent the effect of any other Act of the present session.

6. The period limited by the Act of the Parliament of this Province, passed in the twelfth year of Her Majesty's Reign, and intituled, *An Act to amend the Acts passed to remedy certain defects in the Registration of Titles in the County of Hastings*, as that within which it shall be lawful for the Registrar or Deputy Registrar of the County of Hastings to receive and index any memorial, under the authority of the Act of the said Parliament, passed in the ninth year of Her Majesty's Reign, and intituled, *An Act to remedy certain defects in the Registration of Titles in the County of Hastings, in Upper Canada*, or of the Act of the said Parliament, passed in the Session held in the tenth and eleventh years of Her Majesty's Reign, and intituled, *An Act to alter and amend an Act, intituled, 'An Act to remedy certain defects in the Registration of Titles in the County of Hastings, in Upper Canada*, or to endorse any Deed, Conveyance, Will or Probate, to which such memorial relates, shall be and is hereby extended to the said first day of January, one thousand eight hundred and sixty, and thence until the end of the then next ensuing Session of the Provincial Parliament, and no longer.

Period limited by the Acts of Canada:

12 V. c. 97.

9 V. c. 12.

10, 11 V. c. 38.

Extended to 1st January, 1860, &c.

CAP. XXIX.

An Act respecting the Consolidated Statutes of Canada.

[*Assented to 4th May*, 1859.]

WHEREAS it has been found expedient to revise, classify and consolidate the Public General Statutes which apply to the whole Province of Canada;—And whereas such revision, classification and consolidation have been made accordingly;

Preamble.

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accordingly; And whereas it is expedient to provide for the incorporation therewith of the Public General Statutes passed during the present Session in so far as the same affect the whole Province, and for giving the force of law to the body of Consolidated Statutes to result from such incorporation: Therefore, Her Majesty, by and with the advice and consent of the Legislative Council and Assembly of Canada, enacts as follows:

Original Roll of Statutes revised, &c., to be certified and deposited.

1. The printed Roll attested as that of the said Statutes so revised, classified and consolidated as aforesaid, under the signature of His Excellency the Governor General, that of the Clerk of the Legislative Council and that of the Clerk of the Legislative Assembly, and deposited in the office of the Clerk of the Legislative Council, shall be held to be the original thereof, and to embody the several Acts and parts of Acts mentioned as to be repealed in the Schedule A thereto annexed; but the marginal notes thereon, and the references to former enactments at the foot of the several sections thereof form no part of the said Statutes and shall be held to have been inserted for convenience of reference only, and may be omitted or corrected, and any mis-print or clerical error in the said Roll may also be corrected,—in the Roll hereinafter mentioned.

As to marginal notes, mis-prints, &c.

Governor may cause the legislation of this Session to be incorporated with the Statutes in the said Roll.

2. The Governor may select such Acts and parts of Acts passed during the present Session, as he may deem it advisable to incorporate with the said Statutes contained in the said first mentioned Roll, and may cause them to be so incorporated therewith, adapting their form and language to those of the said Statutes (but without changing their effect), inserting them in their proper places in the said Statutes, striking out of the latter any enactments repealed by or inconsistent with those so incorporated, altering the numbering of the chapters and sections, if need be, and adding to the said Schedule A a list of the Acts and parts of Acts of the present Session so incorporated as aforesaid; and the Governor may direct that all sums of money stated in the said Roll in Halifax currency, be converted into dollars and cents, in all cases where it can be conveniently done.

Certified Roll including the legislation of the present Session to be deposited and serve as the original thereof.

3. So soon as the said incorporation of such Acts and parts of Acts with the said Statutes, and the said addition to the said Schedule A shall have been completed, the Governor may cause a correct printed Roll thereof attested under his signature and countersigned by the Provincial Secretary, to be deposited in the office of the Clerk of the Legislative Council, which Roll shall be held to be the original thereof, and to embody the several Acts and parts of Acts mentioned as repealed in the amended Schedule A thereto annexed; any marginal notes however, and references to former enactments which may appear thereon being held to form no part of the said Statutes, but to be inserted for convenience of reference only.

4.

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4. The Governor in Council, after such deposit of the said last mentioned Roll, may, by Proclamation, declare the day on, from and after which the same shall come into force and have effect as law by the designation of "The Consolidated Statutes of Canada."

Proclamation for bringing the Consolidated Statutes into force on a certain day.

5. On, from and after such day, the same shall accordingly come into force and effect as and by the designation of "The Consolidated Statutes of Canada," to all intents as though the same were expressly embodied in and enacted by this Act, to come into force and have effect on, from and after such day; and on, from and after the same day, all the enactments in the several Acts and parts of Acts in such amended Schedule A mentioned as repealed shall stand and be repealed, —save only as hereinafter is provided.

On and after that day; they shall be in force—and the enactments embodied in them repealed.

Exception.

6. The repeal of the said Acts and parts of Acts shall not revive any Act or provision of law repealed by them: nor shall the said repeal prevent the effect of any saving clause in the said Acts and parts of Acts, or the application of any of the said Acts or parts of Acts or of any Act or provision of law formerly in force,—to any transaction, matter or thing anterior to the said repeal, to which they would otherwise apply.

Saving as to transactions, &c., anterior to the repeal.

7. The repeal of the said Acts and parts of Acts shall not affect—

Certain matters anterior to the repeal not to be affected by it,—

1. Any penalty, forfeiture or liability, civil or criminal, incurred before the time of such repeal, or any proceedings for enforcing the same, had, done, completed or pending at the time of such repeal,—

Penalties, &c.

2. Nor any indictment, information, conviction, sentence or prosecution had, done, completed or pending at the time of such repeal,—

Indictments, &c.

3. Nor any action, suit, judgment, decree, certificate, execution, process, order, rule or any proceeding, matter or thing whatever respecting the same, had, done, made, entered, granted, completed, pending, existing, or in force at the time of such repeal,—

Actions, &c.

4. Nor any act, deed, right, title, interest, grant, assurance, descent, will, registry, contract, lien, charge, matter or thing, had, done, made, acquired, established or existing at the time of such repeal,—

Acts, deeds, rights, &c.

5. Nor any office, appointment, commission, salary, allowance, security, duty, or any matter or thing appertaining thereto, at the time of such repeal,—

Offices, &c.

6. Nor any marriage, certificate or registry thereof, lawfully had, made, granted or existing before or at the time of such repeal,—

Marriages, &c.

7.

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Any other matters, &c.

7. Nor shall such repeal defeat, disturb, invalidate or prejudicially affect any other matter or thing whatsoever, had, done, completed, existing or pending at the time of such repeal;

But the same to remain valid, &c.

8. But every

Such penalty, forfeiture and liability, and every such

Indictment, information, conviction, sentence and prosecution, and every such

Action, suit, judgment, decree, certificate, execution, process, order, rule, proceeding, matter or thing, and every such

Act, deed, right, title, interest, grant, assurance, descent, will, registry, contract, lien, charge, matter or thing, and every such

Office, appointment, commission, salary, allowance, security and duty, and every such

Marriage, certificate and registry, and every such other matter and thing, and the force and effect thereof, respectively,

And may be enforced, &c., and under what laws.

May and shall, both at law and in equity, remain and continue as if no such repeal had taken place, and, so far as necessary, may and shall be continued, prosecuted, enforced and proceeded with under the said Consolidated Statutes and other the Statutes and Laws having force in this Province, so far as applicable thereto, and subject to the provisions of the said several Statutes and Laws.

Consolidated Statutes not to be deemed new Laws.

8. The said Consolidated Statutes shall not be held to operate as new laws, but shall be construed and have effect as a consolidation and as declaratory of the law as contained in the said Acts and parts of Acts so repealed, and for which the said Consolidated Statutes are substituted.

How construed if in any case they differ from the repealed Acts, &c.

9. But if upon any point the provisions of the said Consolidated Statutes are not in effect the same as those of the repealed Acts and parts of Acts for which they are substituted, then as respects all transactions, matters and things subsequent to the time when the said Consolidated Statutes take effect, the provisions contained in them shall prevail, but as respects all transactions, matters and things anterior to the said time, the provisions of the said repealed Acts and parts of Acts shall prevail.

As to references to re-

10. Any reference in any former Act remaining in force, or in any instrument or document, to any Act or enactment so repealed,

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repealed, shall after the Consolidated Statutes take effect, be held, as regards any subsequent transaction, matter or thing, to be a reference to the enactments in the Consolidated Statutes having the same effect as such repealed Act or enactment.

pealed Acts, in former Acts, &c.

11. The insertion of any Act in the said Schedule A shall not be construed as a declaration that such Act or any part of it was or was not in force immediately before the coming into force of the said Consolidated Statutes.

As to effect of insertion of an Act in Schedule A.

12. Copies of the said Consolidated Statutes printed by the Queen's Printer from the amended Roll so deposited, shall be received as evidence of the said Consolidated Statutes in all Courts and places whatsoever.

Copies by Queen's Printer to be evidence.

13. The Interpretation Act contained in the said Consolidated Statutes, shall apply to them and to this Act ;—and in construing this Act or any Act forming part of the said Statutes, unless it be otherwise provided, or there be something in the context or other provisions thereof indicating a different meaning or calling for a different construction :

Interpretation of the said statutes.

1. The enactments in such Act apply to the whole Province of Canada ;

Extent of enactments.

2. The Law is to be considered as always speaking, and whenever any matter or thing is expressed in the present tense, the same is to be applied to the circumstances as they arise, so that effect may be given to each Act and every part thereof according to its spirit, true intent and meaning ;

Law to be construed as speaking at the time when the case arises.

3. The word "shall" is to be construed as imperative, and the word "may" as permissive ;

"Shall" and "may."

4. Whenever the word "herein" is used in any section of an Act, it is to be understood to relate to the whole Act and not to that section only ;

Herein.

5. When any Act or thing is required to be done by more than two persons, a majority of them may do it ;

Quorum.

6. The word "Proclamation" means a Proclamation under the Great Seal, and the expression "Great Seal" means the Great Seal of the Province of Canada ;

Proclamation.

7. When the Governor is authorized to do any act by Proclamation, such Proclamation is to be understood to be a Proclamation issued under an order of the Governor in Council ; but it shall not be necessary that it be mentioned in the Proclamation that it is issued under such order ;

Proclamation.

8.

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County.

8. The word "County" includes two or more Counties united for purposes to which the enactment relates.

As to English and French Versions.

14. If upon any point there be a difference between the English and the French versions of the said Statutes, that version which is most consistent with the Acts consolidated in the said Statutes shall prevail.

As to distribution of copies.

15. The laws relating to the distribution of the printed copies of the Statutes shall not apply to the said Consolidated Statutes, but the same shall be distributed in such numbers and to such persons only, as the Governor in Council may direct.

This to be printed with the said statutes.

How they may be cited.

16. This Act shall be printed with the said Consolidated Statutes and shall be subject to the same rules of construction as the said Consolidated Statutes;—And any Chapter of the said Statutes may be cited and referred to in any Act and proceeding whatever, Civil and Criminal, either by its title as an Act,—or by its number as a Chapter in the copies printed by the Queen's Printer,—or by its short title.

Governor may cause certain Imperial Acts &c., to be printed with the said statutes.

17. The Governor may direct that any Acts or parts of Acts of the Imperial Parliament, Proclamations, Treaties or other Public documents which he may select as of general interest to the people of this Province, be printed and annexed to and distributed with the printed copies of the said Consolidated Statutes.

CAP. XXX.

An Act respecting the Consolidated Statutes for Upper Canada.

[*Assented to 4th May*, 1859.]

Preamble.

WHEREAS it has been found expedient to revise, classify and consolidate the Public General Statutes which apply exclusively to Upper Canada, including both those passed by the Legislature of the late Province of Upper Canada, and those passed by the Parliament of Canada;—And whereas such revision, classification and consolidation have been made accordingly; And whereas it is expedient to provide for the incorporation therewith of the Public General Statutes passed during the present Session in so far as the same affect Upper Canada exclusively, and for giving the force of law to the body of Consolidated Statutes to result from such incorporation: Therefore, Her Majesty, by and with the advice and consent of the Legislative Council and Assembly of Canada, enacts as follows:

Original Roll of Statutes revised, &c., to

1. The printed Roll attested as that of the said Statutes so revised, classified and consolidated as aforesaid, under the signature of His Excellency the Governor General, that of the Clerk

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Clerk of the Legislative Council and that of the Clerk of the Legislative Assembly, and deposited in the office of the Clerk of the Legislative Council, shall be held to be the original thereof, and to embody the several Acts and parts of Acts mentioned as to be repealed in the Schedule A thereto annexed; but the marginal notes thereon, and the references to former enactments at the foot of the several sections thereof form no part of the said Statutes, and shall be held to have been inserted for convenience of reference only, and may be omitted or corrected, and any mis-print or clerical error in the said Roll may also be corrected,—in the Roll hereinafter mentioned.

be certified and deposited.

As to marginal notes, mis-prints, &c.

2. The Governor may select such Acts and parts of Acts passed during the present Session, as he may deem it advisable to incorporate with the said Statutes contained in the said first mentioned Roll, and may cause them to be so incorporated therewith, adapting their form and language to those of the said Statutes (but without changing their effect), inserting them in their proper places in the said Statutes, striking out of the latter any enactments repealed by or inconsistent with those so incorporated, altering the numbering of the chapters and sections, if need be, and adding to the said Schedule A a list of the Acts and parts of Acts of the present Session so incorporated as aforesaid; and the Governor may direct that all sums of money stated in the said Roll in Halifax currency, be converted into dollars and cents, in all cases where it can be conveniently done.

Governor may cause the legislation of this Session to be incorporated with the Statutes in the said Roll.

3. So soon as the said incorporation of such Acts and parts of Acts with the said Statutes, and the said addition to the said Schedule A shall have been completed, the Governor may cause a correct printed Roll thereof attested under his signature and countersigned by the Provincial Secretary, to be deposited in the office of the Clerk of the Legislative Council, which Roll shall be held to be the original thereof, and to embody the several Acts and parts of Acts mentioned as repealed in the amended Schedule A thereto annexed; any marginal notes however, and references to former enactments which may appear thereon being held to form no part of the said Statutes but to be inserted for convenience of reference only.

Certified Roll including the legislation of the present Session to be deposited and serve as the original thereof.

4. The Governor in Council, after such deposit of the said last mentioned Roll, may, by Proclamation, declare the day on, from and after which the same shall come into force and have effect as law by the designation of "The Consolidated Statutes for Upper Canada."

Proclamation for bringing the Consolidated Statutes into force on a certain day.

5. On, from and after such day, the same shall accordingly come into force and effect as and by the designation of "The Consolidated Statutes for Upper Canada," to all intents as though the same were expressly embodied in and enacted by this Act, to come into force and have effect on, from and after such

On and after that day, they shall be in force—and the enactments embodied in them repealed.

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such day; and on, from and after the same day, all the enactments in the several Acts and parts of Acts in such amended Schedule A mentioned as repealed, shall stand and be repealed, save only as hereinafter is provided.

Exception.

Saving as to transactions, &c., anterior to the repeal.

6. The repeal of the said Acts and parts of Acts shall not revive any Act or provision of law repealed by them; nor shall the said repeal prevent the effect of any saving clause in the said Acts and parts of Acts, or the application of any of the said Acts or parts of Acts or of any Act or provision of laws formerly in force,—to any transaction, matter or thing anterior to the said repeal, to which they would otherwise apply.

Certain matters anterior to the repeal not to be affected by it,—

7. The repeal of the said Acts and parts of Acts shall not affect—

Penalties, &c.

1. Any penalty, forfeiture or liability, civil or criminal, incurred before the time of such repeal, or any proceedings for enforcing the same, had, done, completed or pending at the time of such repeal,—

Indictments, &c.

2. Nor any indictment, information, conviction, sentence or prosecution had, done, completed or pending at the time of such repeal,—

Actions, &c.

3. Nor any action, suit, judgment, decree, certificate, execution, process, order, rule or any proceeding, matter or thing whatever respecting the same, had, done, made, entered, granted, completed, pending, existing, or in force at the time of such repeal,—

Acts, deeds, rights, &c.

4. Nor any act, deed, right, title, interest, grant, assurance, descent, will, registry, contract, lien, charge, matter or thing, had, done, made, acquired, established or existing at the time of such repeal,—

Offices, &c.

5. Nor any office, appointment, commission, salary, allowance, security, duty, or any matter or thing appertaining thereto, at the time of such repeal,—

Marriages, &c.

6. Nor any marriage, certificate or registry thereof, lawfully had, made, granted or existing before or at the time of such repeal,—

Any other matters, &c.

7. Nor shall such repeal defeat, disturb, invalidate or prejudicially affect any other matter or thing whatsoever, had, done, completed, existing or pending at the time of such repeal;

But the same to remain valid, &c.

8. But every

Such penalty, forfeiture and liability, and every such Indictment,

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Indictment, information, conviction, sentence and prosecution, and every such

Action, suit, judgment, decree, certificate, execution, process, order, rule, proceeding, matter or thing, and every such

Act, deed, right, title, interest, grant, assurance, descent, will, registry, contract, lien, charge, matter or thing, and every such

Office, appointment, commission, salary, allowance, security and duty, and every such

Marriage, certificate and registry, and every such other matter and thing, and the force and effect thereof, respectively,

May and shall, both at law and in equity, remain and continue as if no such repeal had taken place, and, so far as necessary, may and shall be continued, prosecuted, enforced and proceeded with under the said Consolidated Statutes and other the Statutes and Laws having force in Upper Canada, so far as applicable thereto, and subject to the provisions of the said several Statutes and Laws.

And may be enforced, &c., and under what laws.

8. The said Consolidated Statutes shall not be held to operate as new laws, but shall be construed and have effect as a consolidation and as declaratory of the law as contained in the said Acts and parts of Acts so repealed, and for which the said Consolidated Statutes are substituted.

Consolidated Statutes not to be deemed new Laws.

9. But if upon any point the provisions of the said Consolidated Statutes are not in effect the same as those of the repealed Acts and parts of Acts for which they are substituted, then as respects all transactions, matters and things subsequent to the time when the said Consolidated Statutes take effect, the provisions contained in them shall prevail, but as respects all transactions, matters and things anterior to the said time, the provisions of the said repealed Acts and parts of Acts shall prevail.

How construed if in any case they differ from the repealed Acts, &c.

10. Any reference in any former Act remaining in force, or in any instrument or document, to any Act or enactment so repealed, shall after the Consolidated Statutes take effect, be held, as regards any subsequent transaction, matter or thing, to be a reference to the enactments in the Consolidated Statutes having the same effect as such repealed Act or enactment.

As to references to repealed Acts, in former Acts, &c.

11. The insertion of any Act in the said Schedule A shall not be construed as a declaration that such Act or any part of it was or was not in force immediately before the coming into force of the said Consolidated Statutes.

As to effect of insertion of an Act in Schedule A.

12.

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Copies by Queen's Printer to be evidence.

12. Copies of the said Consolidated Statutes printed by the Queen's Printer from the amended Roll so deposited, shall be received as evidence of the said Consolidated Statutes in all Courts and places whatsoever.

As to translation into French.

13. It shall not be necessary that the said Consolidated Statutes for Upper Canada be translated into French; but the Governor may, in his discretion, cause a translation to be made and printed at any time hereafter.

As to distribution of copies

14. The laws relating to the distribution of the printed copies of the Statutes shall not apply to the said Consolidated Statutes, but the same shall be distributed in such numbers and to such persons only, as the Governor in Council may direct.

This Act to form part of Consolidated Statutes.

How they may be cited.

15. This Act shall be printed with and shall form the first Chapter of the said Consolidated Statutes, and shall be subject to the rules of construction prescribed in the second Chapter thereof;—And any Chapter of the said Statutes may be cited and referred to in any Act and proceeding whatever, Civil and Criminal, either by its title as an Act,—or by its number as a Chapter in the copies printed by the Queen's Printer,—or by its short title.

CAP. XXXI.

An Act further to provide for the accommodation of the Courts of Superior Jurisdiction in Upper Canada, and for that purpose to amend, extend and continue certain Acts therein mentioned.

[*Assented to 4th May*, 1859.]

Preamble.

WHEREAS it has been found that the sums of money granted for the erection of buildings suitable for the accommodation of the Superior Courts of Law and Equity in Upper Canada, by the Act passed in the eighteenth year of Her Majesty's Reign, chaptered one hundred and twenty-two, and by the Act passed in the twentieth year of Her Majesty's Reign, chaptered sixty-four, are insufficient for the purpose; and whereas it is necessary to grant additional aid therefor, and for the purpose of liquidating the debt incurred thereby to increase the fee fund as established by the last named Act: Therefore, Her Majesty, by and with the advice and consent of the Legislative Council and Assembly of Canada, enacts as follows:

18 V. c. 122.

20 V. c. 64.

Governor may authorize the issue of Debentures for the further

1. For the purposes aforesaid it shall be lawful for the Governor of this Province to authorize the issue of debentures for the sum of thirty thousand pounds, over and above the amounts authorized by the above named Acts, and by the Act passed

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passed in the ninth year of Her Majesty's Reign, chaptered thirty-three, in such form and in such sums as may be found convenient—such Debentures to be at a rate of interest not to exceed six per centum per annum and to be redeemable within twenty years.

sum of $120,000.

9 V. c. 33.

2. For the purpose of paying the interest on the Debentures issued or authorized to be issued under the said Acts and under this Act and liquidating the principal thereof, there shall be imposed, levied and collected on the proceedings in the Superior Courts of Law and Equity in Upper Canada, including the Practice Court and proceedings before the Heir and Devisee Commission, the sums set forth in the Schedule hereunto subjoined instead of those set forth in the Schedules attached to the said Acts passed in the ninth and in the twentieth years of Her Majesty's Reign; and such sums shall be in addition to all fees authorized to be levied for other purposes and to be otherwise applied, and law proceedings shall be subject to the said levy whether had in the Court of Queen's Bench or the Court of Common Pleas or the Practice Court.

New Schedule of sums payable on proceedings substituted for those of 9 V. c. 33, and 20 V. c. 64.

3. All the provisions of the said Act passed in the ninth year of Her Majesty's Reign, so far as the same may be applicable, are hereby extended to the Debentures to be issued under the authority of this Act, and to all matters relative to the said Debentures, and to the sum to be thereby raised, in as full and ample a manner to all intents and purposes as if the said sum of thirty thousand pounds to be raised under the authority of this Act had formed part of the sum to be raised under the provisions of the said Act passed in the ninth year of Her Majesty's Reign.

Provisions of 9 V. c. 33, extended to sums raised under this Act.

SCHEDULE.

ON PROCEEDINGS IN THE QUEEN'S BENCH, COMMON PLEAS AND PRACTICE COURT.

	$	ct.
On every Writ of Summons or Capias, and on every other Writ or other Document of what nature or description soever, having the Seal of the Court affixed thereto...	0	50
On every Judgment entered.....	0	60
On every Certificate of Judgment.....	0	50
On setting down on the paper for argument of every demurrer, special case, points reserved, special verdict or appeal case.....	0	30
Every Record of Nisi Prius entered for Trial or Assessment.....	1	00
On every Rule of Court issued.....	0	20
On Taxation of every Bill of Costs.....	0	15

ON

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ON PROCEEDINGS IN THE COURT OF CHANCERY.

On filing every Bill or Amended Bill	2	40
On passing and entering every Decree or Decretal Order	1	00
On every Certificate of Bill filed, on every Certificate of Decree or Decretal Order made, on every Subpœna, and on every other Writ or Certificate issued under the Seal of the Court	0	50

ON PROCEEDINGS IN THE COURT OF ERROR AND APPEAL.

On every Appeal entered	4	00
On every Judgment, Decree or Order of the Court passed and entered	2	00

ON PROCEEDINGS IN THE OFFICE OF THE SURROGATE CLERK IN CHANCERY.

On every Certificate issued by the Surrogate Clerk in Chancery	0	50
On every order made on application to a Judge in Chancery	0	25
On entering every Appeal	0	50
On every Decree or Order on Appeal	1	00

ON PROCEEDINGS BEFORE THE HEIR AND DEVISEE COMMISSION.

On every claim entered and received	0	50
On every claim allowed	0	50

CAP. XXXII.

An Act to repeal certain provisions of law relating to the recovery of Bills of Exchange and Promissory Notes, in Upper Canada.

[*Assented to 4th May*, 1859.]

Preamble.

WHEREAS it is desirable to repeal those clauses of the Common Law Procedure Act, 1857, of which the operation is suspended by the Act twenty-second Victoria, Chapter ten: Therefore, Her Majesty, by and with the advice and consent of the Legislative Council and Assembly of Canada, enacts as follows:

Sects. 4, 5, 6, 7, 8 and 9 of 19, 20 V. c. 43, repealed.

1. The fourth, fifth, sixth, seventh, eighth and ninth clauses of the Common Law Procedure Act, 1857, and also the words: "And with respect to Bills of Exchange and Promissory Notes, "Be it enacted as follows," preceding the said fourth clause, are hereby repealed.

2.

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2. The Act passed in the twenty-second year of Her Majesty's Reign, Chapter ten, extending to the first day of January next the time fixed in the said fourth clause for the operation of the said clauses, is hereby repealed. Act 22 V. c. 10, repealed.

CAP. XXXIII.

An Act to extend the provisions of the Act for the abolition of Imprisonment for Debt.

[*Assented to 4th May*, 1859.]

WHEREAS it is just to extend to decrees and orders in Chancery and rules and orders of the Common Law Courts for the payment of money, the relief granted to parties in actions at law under the Act for the abolition of Imprisonment for Debt; and to abolish imprisonment for debt in the Division Courts; and to make further provisions for the relief of parties and the punishment of frauds, in respect as well of debts affected by the said Act, as of the other debts embraced in this Act: Therefore, Her Majesty, by and with the advice and consent of the Legislative Council and Assembly of Canada, enacts as follows: Preamble.

CHANCERY.

1. No order shall be granted for a writ of *Ne exeat Provincia*, (to be hereafter called a Writ of Arrest,) unless the party applying for the writ has a cause of suit to at least such an amount, and shows by affidavit such facts and circumstances, as the Act for the abolition of imprisonment for debt requires in the case of a special order for holding a party to bail under that Act. In what cases only a Writ of Arrest shall be granted.

2. In case an order is made for a Writ of Arrest, in a suit for alimony, the amount of the bail required shall not exceed what may be considered sufficient to cover the amount of future alimony for two years, besides arrears and costs, but may be for less at the discretion of the Court. Limit of bail in suits for Alimony.

3. The bail or security required to be taken under a Writ of Arrest shall not be that the person arrested will not go or attempt to go out of Upper Canada, but shall merely be to the effect that the person arrested will perform and abide by the orders and decrees made or to be made in the suit, or will personally appear for the purposes of the suit at such times and places as the Court may from time to time order, and will, in case he becomes liable by law to be committed to close custody, render himself (if so ordered), into the custody of any Sheriff the Court may from time to time direct. Conditions of Bail-bond under Writ of Arrest.

GENERAL

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GENERAL PROVISIONS.

Process of contempt for non-payment of money, costs, &c., abolished.

Same affidavit required for an arrest in such cases as for a *Ca. Sa.*

4. Process of contempt for non-payment of any sum of money, or for non-payment of any costs, charges or expenses, payable by any decree or order of the Court of Chancery or of a Judge thereof, or by any rule or order of the Court of Queen's Bench or Common Pleas or of a Judge thereof, or by any decree, order or rule of a County Court or of a Judge thereof, is hereby abolished; and no person shall be detained, arrested or held to bail for non-payment of money, unless a special order for the purpose is made on an affidavit or affidavits establishing the same facts and circumstances as are necessary for an order for a writ of *capias ad satisfaciendum*, under the Act for the abolition of Imprisonment for Debt; and in such case the arrest when allowed shall be made by means of a writ of attachment corresponding as nearly as may be to a writ of *capias ad satisfaciendum.*

But not when a Writ of Arrest has issued.

5. But in case a party is arrested under a Writ of Arrest, issued after the passing of this Act, it shall not be necessary before suing out a writ under the preceding section of this Act to obtain a Judge's order therefor, or to file any further affidavit than those on which the order for the Writ of Arrest was obtained.

Conditions of Bail-bond under Writ of *Ca. Sa.*—or of Attachment under sect. 4.

6. Persons who may hereafter give bail under a writ of *capias ad satisfaciendum*, or under a writ of attachment under the fourth section of this Act, shall not be bound to remain or abide within the gaol limits, but may depart therefrom at their discretion; and when a person desires to give bail under such a writ, the bond to the Sheriff shall not contain that part of the usual condition which provides that the debtor shall remain and abide within the limits of the gaol or shall not depart therefrom unless discharged from custody by due course of law; but the condition shall provide that the person arrested shall observe and obey all notices, orders and rules of the Court touching or concerning the debtor or person ordered to pay, or his answering interrogatories, or his appearing to be examined *vivâ voce* or otherwise, or his returning and being remanded into close custody; and the party or his bail shall not be entitled to claim longer time for so observing or obeying than he would have been entitled to if the party had remained on the limits as heretofore, but the Court may, notwithstanding, grant further time if the Court is of opinion that the same may be done without substantial injury to the interests of the party to receive the money.

Persons heretofore arrested may surrender themselves or substitute new security.

7. Persons who have heretofore given bail or security under a Writ of *ne exeat* or *capias ad satisfaciendum*, may surrender themselves into custody, or may substitute for their bonds or other security heretofore given under the writ, a bond or other security to the effect and amount mentioned in the preceding sections

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sections of this Act; and thereupon in either case the existing bail or security shall be discharged or released.

8. A person arrested under a writ of *capias ad satisfaciendum*, or under a writ of attachment, though he is not confined to close custody but has given bail, may apply for and obtain his discharge in the same manner and subject to the same terms and conditions, as nearly as may be, as an execution debtor who is confined to close custody.

Person on bail may obtain discharge, &c., as if in close custody.

9. In case a person has been heretofore or may be hereafter arrested and committed to gaol in any other County than that in which he resided or carried on business at the time, or in case a person is surrendered by his bail to the Sheriffs of any County other than that in which he resided or carried on business at the time, such person shall be entitled to be transferred to the gaol of his own County on prepaying the expense of his removal; and the Sheriff in whose County he was arrested may, if he is satisfied of the facts, transfer him accordingly; but if the Sheriff declines to act without an order of the Court or a Judge, such an order shall be made on the application of the prisoner and notice to the opposite party.

Person arrested out of his County may be transferred to it, paying the cost.

10. Every person who is now in custody or on bail under process of contempt for non-payment of costs, shall be entitled to be discharged therefrom; and no person shall hereafter be liable to arrest for non-payment of costs.

Imprisonment for non-payment of costs abolished, and those now imprisoned to be discharged.

11. Every person who is now in custody or on bail under a Writ of *Ne exeat* or who is now in custody or on bail, whether to the limits of any gaol or otherwise, under process of contempt for non-payment of money under any award, order, decree, or other proceeding whatever other than costs, charges and expenses, shall be entitled to be discharged, but shall be liable to be detained, or after such discharge to be again arrested, by virtue of any such special order as mentioned in the first or fourth section of this Act.

Persons now in custody under *Ne Exeat*, &c., to be discharged, subject to this Act.

12. For the purpose of enforcing payment of any money or of any costs, charges or expenses payable by any decree or order of the Court of Chancery, or any rule or order of the Court of Queen's Bench or Common Pleas, or any decree, order or rule of a County Court, the person to receive payment shall be entitled to writs of *fieri facias* and *venditioni exponas* respectively, against the property of the person to pay, and shall also be entitled to attach and enforce payment of the debts of or accruing to the person to pay, in the same manner respectively and subject to the same rules, as nearly as may be, as in the case of a judgment at law in a civil action; and such writs shall have the like effect as nearly as may be, and the Courts and Judges shall have the same powers and duties in respect to the same and in respect to the proceedings under the same,

Decrees, &c., in Equity to be enforced by Writ of *Fi. Fa.*, &c., as at law.

Same Rules, &c, to apply as in other cases.

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and the parties and sheriff respectively shall have the same rights and remedies in respect thereof, and the writs shall be executed in the same manner and subject to the same conditions, as nearly as may be, as in the case of like writs in other cases; but subject to such general orders and rules varying or otherwise affecting the practice in regard to the said matters, as the Courts respectively may from time to time make under their authority in that behalf.

Power of sequestration not taken from Court of Chancery, &c.

13. As to the Court of Chancery, that Court may also issue writs of sequestration as hitherto or in such cases as by general or other orders the Court may think expedient; and nothing in this Act shall be construed to take away the jurisdiction of the Court under or by means of such writs; and no writ shall issue from Chancery against the lands of the person to pay, but if the decree or order is registered, the Court may enforce the charge thereby created upon real estate, according to the practice of the Court in the case of a charge on real estate created by other means.

Decrees, &c., in Equity for payment of money to be deemed judgments, within the meaning of the Act 22 V. c. 96., &c.

14. Every decree or order of the Court of Chancery, and every rule or order of the Court of Queen's Bench or Common Pleas, and every decree, order or rule of a County Court, directing payment of money or of costs, charges or expenses, shall, so far as it relates to such money, costs, charges or expenses, be deemed a judgment, and the person to receive payment a creditor, and the person to make payment a debtor, within the meaning of the Act for the abolition of imprisonment for debt; and the said persons shall respectively have the same remedies, and the Courts and Judges and the officers of Justice shall in cases under this Act have the same powers and duties, as in corresponding cases under the said Act.

Person having carriage of the decree, &c., to be deemed the plaintiff.

15. In case a decree or order in Chancery, or of a County Court in the exercise of the equitable jurisdiction of such County Court, directs the payment of money into Court or to the credit of any cause, or otherwise than to any person, the person having the carriage of the decree or order, so far as relates to such payment, shall be deemed the plaintiff within the meaning of the said Act.

Trustees for public or charitable purposes liable under 22 V. c. 2.

16. If any person being a Trustee of any money or other property for the benefit either wholly or partially of some other person, or for any public or charitable purpose, converts or appropriates the same or any part thereof to or for his own use or purposes, or otherwise wilfully disposes of the same contrary to his duty, so that such money or other property is not forthcoming and paid or delivered when such person is ordered or decreed by the Court of Chancery or other Court having jurisdiction in the matter to pay the same, he shall be deemed to have converted or disposed of the same with intent to defraud within the meaning of the Act twenty-second Victoria, chapter two.

17.

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17. Every rule or order of the Court of Queen's Bench or Common Pleas or of a Judge thereof directing payment of money other than costs, and every rule or order of a County Court directing such payment, may be registered in the Registry Office of any County, and such registration shall be on the certificate of the same officer and shall have the same effect as the registration of a judgment of the same Court.

All rules and orders directing the payment of money may be registered.

18. For the purpose of carrying out the provisions of this Act, so far as relates to the Courts of Queen's Bench and Common Pleas, and to the County Courts as Courts of Law, the three hundred and thirteenth, three hundred and fourteenth, and three hundred and fifteenth sections of the Common Law Procedure Act, 1856, and the ninth section of the County Courts Amendment Act, 1857, shall be deemed incorporated herewith, as if the provisions therein contained had been repeated in this Act and expressly made to apply thereto, and it shall not be necessary to lay before Parliament any rules, orders or regulations made for the purpose of this Act.

Certain clauses of 19, 20 V. c. 43, and 90, incorporated with this Act.

19. The Court of Chancery shall, with reference to the proceedings in the Court of Chancery under this Act, and to proceedings under this Act in the County Courts in the exercise of their equitable jurisdiction, have all the powers which the next preceding section of this Act gives to the Common Law Courts, in respect to the cases to which that section refers.

Certain powers vested in Court of Chancery.

DIVISION COURTS.

20. The Summons issued under the ninety-first section of the Division Courts Act may be served either personally or by leaving a copy of the summons at the house of the party to be served or at his usual or last place of abode, or with some grown person there dwelling.

How service of summons under sect. 91 of 13, 14 V. c. 53, may be made.

21. A party failing to attend according to the requirements of any such summons, shall not be liable to be committed to Gaol for the default, unless the Judge is satisfied that such non-attendance is wilful, or that the party has failed to attend after being twice so summoned, and if at the hearing it appears to the Judge, upon the examination of the party or otherwise, that he ought not to have been so summoned, or if at such hearing the Judgment creditor does not appear, the Judge shall award the party summoned a sum of money by way of compensation for his trouble and attendance, to be recovered against the Judgment Creditor in the same manner as any other Judgment of the Court.

In what cases only the party summoned may be committed for non attendance: costs allowed him in certain cases.

22. The examination shall be held in the Judge's chamber, unless the Judge shall otherwise direct.

Examination to be in Judge's Chamber.

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Party examined and discharged not to be again summoned, except, &c.

23. In case a party has, after his examination, been discharged by the Judge, no further summons shall issue out of the same Division Court at the suit of the same or any other creditor, without an affidavit satisfying the Judge upon facts not before the Court upon such examination, that the party had not then made a full disclosure of his estate, effects and debts, or an affidavit satisfying the Judge that since such examination the party has acquired the means of paying.

PENALTIES.

No person to be arrested on judgment against him as a *debtor* for any penalty; —unless under the same circumstances as in other cases.

24. No person shall be arrested or imprisoned on any claim or on any Judgment recovered against him as a debtor at the suit of any person for any penalty or sum of money in the nature of a penalty or forfeiture, whether such claim or suit be in the name of such person alone, or in the form of proceeding known as *qui tam &c.*, (notwithstanding any thing to the contrary in any statute providing for the recovery of such penalties or sums by action at law) except in cases and under circumstances where on claims or judgments for ordinary debts parties can hereafter be arrested or imprisoned, and any person now under arrest or imprisonment or order for arrest or imprisonment, on any such claim or judgment first in this section referred to, shall be forthwith discharged from such arrest or imprisonment or order therefor, subject to be arrested hereafter, as in the cases of Judgments for ordinary debts as hereinbefore provided.

Act limited to U. C.

25. This Act shall apply to Upper Canada only.

CAP. XXXIV.

An Act to secure to Married Women certain separate rights of property.

[*Assented to 4th May*, 1859.]

Preamble.

WHEREAS the law of Upper Canada relating to the property of Married Women is frequently productive of great injustice, and it is highly desirable that amendments should be made therein for the better protection of their rights: Therefore, Her Majesty, by and with the advice and consent of the Legislative Council and Assembly of Canada, enacts as follows:

A woman married after this Act, may hold her property free from the debts or control of her husband.

1. Every woman who shall marry after the passing of this Act without any marriage contract or settlement, shall and may, notwithstanding her coverture, have, hold and enjoy all her real and personal property, whether belonging to her before marriage, or acquired by her by inheritance, devise, bequest or gift, or as next of kin to an intestate or in any other way after marriage, free from the debts and obligations of her husband and from his control or disposition without her consent, in as full and ample a manner as if she continued sole and unmarried, any law,

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law, usage or custom to the contrary notwithstanding; provided that this clause shall not extend to any property received by a married woman from her husband during coverture.

Proviso.

2. Every woman already married without any marriage contract or settlement, shall and may, from and after the passing of this Act, notwithstanding her coverture, have, hold and enjoy all her real estate not yet taken possession of by the husband, by himself or his tenants, and all her personal property not already reduced into the possession of her husband, whether belonging to her before marriage or acquired by her after marriage, in any way free from his debts and obligations contracted after the passing of this Act, and from his control or disposition without her consent, in as full and ample a manner as if she were sole and unmarried; any law, usage or custom to the contrary notwithstanding.

A woman already married may hold property not yet reduced to possession of her husband.

3. Provided always that nothing herein contained shall be construed to protect the property of a married woman from seizure and sale on any execution against her husband for her torts; and in such case, execution shall first be levied on her separate property.

Proviso: Act not to prevent seizure in execution in certain cases.

4. Provided further that no conveyance or other act of a wife in respect of her real estate shall deprive her husband of any estate he may become entitled to as tenant by the curtesy.

Proviso: not to affect tenancy by curtesy.

5. Provided further that no married woman shall be entitled to her earnings during coverture without an order of protection under the provisions hereinafter contained.

Proviso: order of protection required as to earnings.

6. Any married woman having a decree for alimony against her husband, or any married woman who lives apart from her husband, having been obliged to leave him for cruelty or other cause which by law justifies her leaving him and renders him liable for her support, or any married woman whose husband is a lunatic with or without lucid intervals, or any married woman whose husband is undergoing sentence of imprisonment in the Provincial Penitentiary, or in any gaol for a criminal offence, or any married woman whose husband from habituel drunkenness, profligacy or other cause, neglects or refuses to provide for her support, and that of his family, or any married woman whose husband has never been in this Province, or any married woman who is deserted or abandoned by her husband, may obtain an order of protection entitling her, notwithstanding her coverture, to have and enjoy all her earnings and those of her minor children, and any acquisitions therefrom free from the debts and obligations of her husband and from his control or dispositions, and without his consent, in as full and ample a manner, as if she continued sole and unmarried, any law, usage or custom to the contrary notwithstanding.

In what cases a married woman may obtain an order of protection for her earnings.

Purport and effect of such order.

7.

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How and by whom an order discharging protection may be obtained.

7. The wife or husband or any of the husband's creditors may, at any time, on notice to the married woman, apply for the discharge of the order of protection; and if an order for such discharge is made, the same may be filed like the original order.

Either order may be in duplicate. By whom to be made in certain cities and towns. Registration.

8. Either order may issue in duplicate, and when the married woman resides in a City or Town where there is a Recorder or Police Magistrate, the order for protection or any order discharging the same shall be made by the Recorder or Police Magistrate, and shall be registered in the Registry office of the County.

By whom made when not in such city or town.

9. When the married woman does not reside in a City or Town where there is a Recorder or Police Magistrate, the order shall be made by the Judge or one of the Judges, or the acting or Deputy Judge of the Division Courts or a Division Court of the County in which the married woman resides, and instead of being registered, shall be filed for public inspection with the Clerk of the Division Court of the division within which the married woman resides.

Hearing may be public or private.

10. The hearing of an application for an order of protection, or for an order discharging the same, may be public or private, at the discretion of the Judge, Recorder or Police Magistrate.

Order not to have effect until registered.

Evidence of order, &c.

11. The order of protection shall have no effect until it is registered or filed, and the Registrar or Clerk shall immediately on receiving the order, endorse thereon the day of registering or filing the same: and a certificate of the filing and date, signed by the Registrar or Clerk for the time being, shall be *primâ facie* evidence of such filing and date; and a copy of the order which is registered or filed, certified under the hand of the Registrar or Clerk to be a true copy thereof, shall be sufficient *primâ facie* evidence of the order without proof of the signature of the Registrar or Clerk, and without further proof of the order itself, or of the making or validity thereof.

From what time the order discharging protection shall take effect.

12. The order for discharging an order of protection shall not in any case be retroactive, but shall take effect from the time it is made, and shall protect the earnings of the married woman and her children until an order is made discharging such order of protection, and the married woman shall continue to hold and enjoy to her separate use whatever, during the interval between the filing of the order of protection and the making of the order discharging the same, she may have acquired by the earnings of herself and her minor children.

Estate to which a husband is enti-

13. Any estate or interest to which a husband may, by virtue of his marriage, be entitled in the real property of his wife, whether acquired before or after the passing of this Act, shall not

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not during her life be subject to the debts of the husband, but this provision shall not affect the right which any person, by or under any judgment or execution hitherto obtained against the husband, has already obtained in respect of any such estate or interest acquired by a husband before the passing of this act.

tled in the property of his wife, not subject to his debts during her live.

14. Every married woman having separate property, whether real or personal, not settled by any ante-nuptial contract, shall be liable upon any separate contract hereafter made or debt incurred by her, before marriage, to the extent and value of such separate property, in the same manner as if she were sole and unmarried.

Separate property of wife to be liable for her debts before marriage.

15. Every husband who hereafter takes any interest in the separate real or personal property of his wife, under any contract or settlement on marriage, shall be liable upon the contracts made or debts incurred by her before marriage, to the extent or value of such interest only, and no more.

Liability of husband for such debts limited.

16. Every married woman may make any devise or bequest of her separate property, real or personal, or of any rights therein, whether such property be acquired before or after marriage, to or among her child or children issue of any marriage, and failing there being any issue, then to her husband, or as she may see fit, in the same manner as if she were sole and unmarried; Provided that such devise or bequest be executed in the presence of two or more witnesses, neither of whom shall be her husband; but her husband shall not be deprived by such devise or bequest of any right he may have acquired as tenant by the curtesy.

Married woman may devise or bequeath her separate property, &c.

Proviso.

17. A married woman shall not be liable to arrest either on mesne or final process.

Not to be liable to arrest.

18. The separate personal property of a married woman dying intestate shall be distributed in the same proportions between her husband and children as the personal property of a husband dying intestate is or shall be distributed between his wife and children; and if there be no child or children living at the death of the wife so dying intestate, then such property shall pass or be distributed as if this Act had not been passed.

Separate personal property of wife dying intestate, how to be distributed.

19. In any action or proceeding at law or in equity, by or against a married woman, upon any contract made or debt incurred by her before marriage, her husband shall be made a party if residing within the Province, but if absent therefrom, the action or proceeding may go on for or against her alone; and in the declaration, bill or statement of the cause of action, it shall be alleged that such cause of action accrued before marriage, and also that such married woman has separate estate; and the judgment or decree therein, if against

As to actions, &c., against wife for debts contracted before marriage.

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Judgment or decree in such cases.

against such married woman, shall be to recover of her separate estate only, unless in any action or proceeding against her, in which her husband has been joined as a party, any false plea or answer has been pleaded or put in by him, when the judgment or decree shall be, in addition, to recover against him the costs occasioned by such false plea or answer, as in ordinary cases.

Act not to affect marriage settlements, &c.

Proviso: as to property not coming within the contract.

20. Nothing in this Act contained shall be construed to prevent any ante-nuptial settlement or contract being made in the same manner and with the same effect as such contract or settlement might be made if this Act had not been passed; but notwithstanding any such contract or settlement, any separate, real or personal property of a married woman, acquired either before or after marriage, and not coming under or being affected by such contract or settlement, shall be subject to the provisions of this Act, in the same manner as if no such contract or settlement had been made; and as to such property, and her personal earnings and any acquisitions therefrom, such woman shall be considered as having married without any marriage contract or settlement.

Act limited to U. C.

21. This Act shall apply only to Upper Canada.

CAP. XXXV.

An Act to amend the law enabling Married Women to convey their Real Estate within Upper Canada.

[*Assented to 4th May*, 1859.]

Preamble.

WHEREAS it is expedient to amend the law enabling married women to convey their real estate within Upper Canada, by providing for cases in which informal or erroneous certificates have been indorsed upon Deeds conveying real estate executed by married women jointly with their husbands, as well as for cases in which such Deeds have been executed in presence of and certificates endorsed thereon by non-resident Justices of the Peace, or in which certificates have been endorsed on such Deeds subsequent to the execution thereof: Therefore, Her Majesty, by and with the advice and consent of the Legislative Council and Assembly of Canada, enacts as follows:

Certificate under Acts of U. C. 1 W. 4, c. 2, or 2 V. c. 6, to be valid, tho' the Justices were not resident in the County or District in which

1. Whenever any certificate on the back of any Deed heretofore executed by any married woman, pursuant to the Act of the said Parliament of Upper Canada, passed in the first year of the reign of his late Majesty King William the Fourth, chapter two, or pursuant to the Act of the said Parliament of Upper Canada, passed in the second year of Her Majesty's reign, chapter six, has been signed by two Justices of the Peace, such certificate shall be held and is hereby declared to be

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be valid and effectual for all the purposes contemplated by said Acts, although the said Justices were not at the time residents of the District or County in which such married woman resided; and every Deed heretofore executed in the presence of such Justices, and every such certificate so signed shall have the same force, validity and effect as if the said Deed had been executed in the presence of, and such certificate had been signed by two Justices of the Peace of the District or County in which such married woman at the time of the execution thereof resided.

the married woman resided.

2. When any certificate on the back of any Deed executed by any married woman, pursuant to the said first mentioned Act, shall have been heretofore given on any day subsequent to the execution of the said Deed, such certificate shall be deemed and be taken to have been given on the day on which the said Deed was executed; and such Deed shall be as good and valid in law as if such certificate had been in fact signed on the day of the execution of the Deed to which it relates, as required by the said Act.

Certificate to be valid tho' given subsequent to the execution of the deed.

3. In case any married women seized of or entitled to real estate in Upper Canada, and being of the age of twenty-one years, has heretofore executed, jointly with her husband, a Deed for the conveyance of the same, knowing her estate therein and intending to convey the same, such Deed shall be taken and considered as a valid conveyance of the land therein mentioned, and the execution thereof shall be deemed and taken to be valid and effectual to pass the estate of such married woman in the said land, although a certificate of her consent to be barred of her right of Dower of and in such land, instead of a certificate of her consent to convey her estate in the same, have been endorsed thereon.

Deed executed by a married woman jointly with her husband to be a good conveyance notwithstanding errors in certificate endorsed.

4. Whenever the requirements of the Acts of the Parliament of the late Province of Upper Canada, or of the Parliament of this Province of Canada, respecting the conveyance of real estate in Upper Canada by married women, while respectively in force, have been complied with on the execution by any married woman of a Deed of conveyance of real estate in Upper Canada then belonging to such married woman, such execution shall be deemed and taken to be valid and effectual to pass the estate of such married woman in the land intended to be conveyed, although the certificate endorsed on such Deed be not in strict conformity with the forms prescribed by the said Acts, or any or either of them.

And notwithstanding the certificate be not in strict conformity to the forms in the said Acts.

5. Provided nevertheless this Act shall not render valid any conveyance to the prejudice of any title subsequently acquired from the married woman, by deed duly executed and certified as by law required, nor any conveyance from the married woman

Act not to prejudice titles subsequently acquired, &c.

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woman which was not executed in good faith, nor any conveyance of land of which the married woman or those claiming under her is or are in the actual possession or enjoyment notwithstanding such conveyance.

Requirements formerly necessary to continue to be so as to conveyances subsequent to this Act.

Proviso.

6. The requirements heretofore necessary to give validity at law to a conveyance by a married woman of any of her real estate shall continue to be necessary for that purpose with respect to deeds of conveyance executed after the passing of this Act, notwithstanding anything contained in this Act or in any Act which has been or may be passed during the present session of Parliament; But this section shall not affect any other remedy at law or in equity which a purchaser or other person may have upon any contract or deed of a married woman which may be hereafter executed in respect of her real estate.

CAP. XXXVI.

An Act to relieve Registrars of Counties in Upper Canada from certain disabilities.

[*Assented to 4th May*, 1859.]

Preamble

WHEREAS it is expedient to relieve Registrars of Counties in Upper Canada from the disability to practise as Attorneys or Solicitors, imposed upon them by the Act hereinafter cited: Therefore, Her Majesty, by and with the advice and consent of the Legislative Council and Assembly of Canada, enacts as follows:

Part of 22 V. c. 94, preventing Registrars from practising as Attorneys, repealed.

1. So much of the fifth section of the Act twenty-second Victoria, chapter ninety-four, *to extend the provisions of the Act to amend the law for the Admission of Attorneys*, as provides that no person shall practise as an Attorney or Solicitor of any Court of Law or Equity in Upper Canada, who shall, either in his own person, or by his partner, deputy or agent, or in the name of any other person, or otherwise, directly or indirectly hold, possess, practise, carry on or conduct the office of Registrar of any County or Union of Counties in Upper Canada, and that every such person so practising shall be subject to the forfeiture of such office, and shall, in addition thereto, be subject to a penalty of five hundred pounds, shall be, and the same is hereby repealed.

CAP.

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CAP. XXXVII.

An Act to avoid doubts as to a certain provision of the Act respecting the Municipal Institutions of Upper Canada.

[*Assented to 4th May*, 1859.]

WHEREAS doubts have arisen as to the true intent and meaning of the two hundred and forty-sixth section of the Act passed in the twenty-second year of Her Majesty's Reign, intituled, *An Act respecting the Municipal Institutions of Upper Canada*, (22 Vic. c. 99,) as regards the application of the sums to be paid for Tavern Licenses: Therefore, Her Majesty, by and with the advice and consent of the Legislative Council and Assembly of Canada, enacts as follows: Preamble.

1. It was and is the intent and meaning of the said section,—that the Provincial duty payable on Tavern Licenses, under the fourteenth section of the Act passed in the said Session, and intituled, *An Act to amend the law relative to Duties of Customs and of Excise, and to impose new duties, and a duty on Tavern Keepers*, should be paid over by the Municipal Officer receiving the same to the Receiver General, (after deducting four per cent. for his trouble in collecting it)—in the manner provided by the said last mentioned Act, and subject to all the enactments thereof,—but that the duty under the Imperial Act cited in the said two hundred and forty-sixth section, and any further sum payable for such Licenses over and above the said Provincial duty, should be applied to the use of the Corporation. Intent of sect. 246 of 22 V. c. 99, as regards the duty under 22 V. c. 76, s. 14, declared.

CAP. XXXVIII.

An Act to amend the *Act respecting the Municipal Institutions of Upper Canada.*

[*Assented to 4th May*, 1859.]

WHEREAS it is necessary to amend the *Act respecting the Municipal Institutions of Upper Canada*, twenty-second Victoria, chapter ninety-nine, in respect to the dividing of Townships into Wards: Therefore, Her Majesty, by and with the advice and consent of the Legislative Council and Assembly of Canada, enacts as follows: Preamble. 22 V. c. 99.

1. Section two hundred and sixty-four of the said recited Act is hereby repealed, and the following substituted therefor: "In case a majority of the qualified electors of a Township on the last revised Assessment Roll do, by petition in writing signed by them, apply to the Council of the Township to divide the Township into Wards, if not already so divided, or to Sect. 264 repealed. New section substituted. Duty of the Township Council on receiving a

petition from a majority of the rate-payers touching its division into Wards.

to abolish or alter, in manner specified in the petition, any existing division into Wards, the Council shall, within one month thereafter, pass a By-law to give effect to the petition, and shall in the By-law recite the petition, and also the present section of this Act, and shall declare that the By-law is passed in compliance with the prayer of the petition ; And the By-law shall take effect on the first day of December next after one month from the date of its first publication in some newspaper published in the County or Union of Counties in which the Township is situated, or by printed handbills posted in at least twenty public places in the Township."

Sect. 265 repealed.

New section substituted.

If the petition does not define the Ward.

2. Section two hundred and sixty-five of the said recited Act is hereby repealed, and the following substituted therefor : " In case the petition is for a division into Wards (and does not specify the manner of the division,) the Council shall so arrange the Wards that they may be as compact, and contain as nearly an equal number of electors, as may be consistent with the convenience of the inhabitants ; the number of wards being five in all cases."

Stealing or destroying, &c., certain documents, relating to Municipal Elections to be felony.

3. If any person steals, or unlawfully or maliciously either by violence or stealth, takes from any Deputy Returning Officer or Poll Clerk, or from any other person having the lawful custody thereof, or from its lawful place of deposit for the time being, or unlawfully or maliciously destroys, injures or obliterates, or causes to be wilfully or maliciously destroyed, injured or obliterated, or makes or causes to be made any erasure, addition of names or interlineation of names, into or upon, or aids, counsels or assists in so stealing, taking, destroying, injuring or obliterating, or in making any erasure, addition of names or interlineation of names into or upon any Writ of Election or any return to a Writ of Election or any Indenture, Poll Book, Certificate or Affidavit, or any other document or paper made, prepared or drawn out according to or for the purpose of meeting the requirements of the law in regard to Municipal Elections—every such offender shall be guilty of felony and being convicted thereof, shall be liable at the discretion of the Court to be imprisoned in the Provincial Penitentiary for any term not exceeding seven nor less than two years, or to be imprisoned in any other place of confinement for any term less then two years, or to suffer such other punishment by fine or imprisonment or both as the Court shall award ; And it shall not in any indictment for any such offence be necessary to allege that the article in respect of which the offence is committed, is the property of any person, or that the same is of any value.

Punishment.

Value of document need not be stated.

CAP.

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CAP. XXXIX.

An Act to enable certain Municipal Corporations in Upper Canada, to aid in the establishment of internal means of communication.

[*Assented to 4th May*, 1859.]

Preamble.

WHEREAS that section of the Peninsula of Western Canada lying north-westerly from the Town of Guelph, and embracing the greater part of the Counties of Wellington and Bruce, as well as portions of the Counties of Grey, Perth and Huron, is entirely destitute of proper facilities for communicating with the produce markets of the Province; And whereas the Reeves of the Municipalities of Fergus, Puslinch, Normanby, Brant, Elora, Minto, Pilkington, Saugeen, Arthur, Nichol, Kinloss, Howick, Greenock, Culross and Kincardine, and many others, have by their petitions prayed that those Municipal Corporations desiring a means of communication may be enabled to aid in the establishment of the same, and may be empowered to distribute any liability which they may see advisable to incur thereby, over the various sections of each Municipality incurring such liability, in an equitable proportion to the benefits which they may derive from the improvements, or so far as it is practicable so to do; And inasmuch as the construction of Railways and of other roads has been found to enhance to the largest amount the value of property within easy access of these lines of traffic, and it is believed that the various degrees of additional value given to property within the influence of these works may be taken as a fair standard by which to measure the different degrees of benefit received from their establishment; And whereas it is expedient to empower the various Municipalities aforesaid to aid in the promotion of their own prosperity in accordance with the equitable principle expressed in the prayers of the petitioners: Therefore, Her Majesty, by and with the advice and consent of the Legislative Council and Assembly of Canada, enacts as follows:

On a petition of three-fourths of the rate-payers, certain municipalities may guarantee a bonus, by rate on the improved value of property, to Companies affording means of internal communication.

1. On and after the passing of this Act, and so soon as at least three-fourths of the rate-payers in any Municipality, being *bona fide* owners of at least three-fourths in value of the real property in such Municipality, have by a requisition (agreeable to form A setting forth in general terms the character of the improvement they desire, and the rate per cent. for assessment purposes they are willing to bear,) required their Municipal Council or Councils, to incur any such liability as by this Act they are empowered to incur, it shall be lawful for the County Council of Wellington, the Provisional County Council (or in process of time the County Council) of Bruce, and any lesser Municipal Corporations either in or adjacent to these Counties, to guarantee to give

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give a yearly bonus to any Company or Companies, party or parties who shall undertake to build and complete a Railway, or a gravel or other improved road or roads through or along or across any of the Municipalities aforesaid ; Provided always, that such guarantee shall be limited as hereinafter pointed out.

Proviso.

To what amount such bonus shall be limited.

2. Any bonus guaranteed to be given under this Act shall be the aggregate proceeds of a rate to be prescribed by the rate-payers' requisition aforesaid, levied (except in the case provided for by the fifth section) on the future increase of the assessed value of real property in such Municipalities or sections of Municipalities as aforesaid, which rate is not to exceed one per cent. annually on the increase of the assessed value, and which increase is to be taken to mean the difference between the assessed value of real property in the year during which any such guarantee may be given, and the assessed value in each year after the contemplated improvements are in operation or in use.

When such communication is opened, rates to be levied according to the guarantee.

3. Each Municipal Corporation giving such guarantee as they are by this Act empowered to give, shall annually so soon as the gravel roads or railways or both, shall be made and in use, assess and levy upon the rateable real property within the limits prescribed by the guarantee, situate within fifteen miles of the railway or of such part of it as may be in operation, or within five miles of any gravel road or roads which shall be made and fit for use, such rate or rates as may be determined upon as aforesaid, not exceeding one per cent. per annum on (except in the case provided for by the fifth section,) the increase as aforesaid ; but the rate or rates shall not be levied on any property situate more than five miles from any gravel road, nor more than fifteen miles from any Railroad or such part of it or them as may be then in operation, whether or not the said property be within the Municipality or section of the Municipality which has concurred in giving the guarantee.

How the special rate for paying such bonus shall be assessed and levied.

4. So soon as it shall be necessary to levy any special rate on the increase of the assessed value of any of the Municipalities which may under authority of this Act undertake to aid in carrying out internal improvements, it shall be the duty of the Clerk of the Municipality to procure a plan verified by some Provincial Land Surveyor, showing the exact position of the improvements then in use, and also the relative position thereto of all taxable real property situate within the limits prescribed as aforesaid ; And he shall from this plan and from the Assessment Roll for the current year, make out a special Collector's Roll, or make an addition to the ordinary Collector's Roll, having opposite the names of all taxable persons and property within the specified distance of the improvements, the information mentioned in the Schedule B ; and the various amounts calculated on the increase, at the special rate determined by the rate-payers' requisition and the guarantee, and set down in the

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the last column, according to Form B, shall be collected in addition to all other local rates and taxes in the manner provided by the Assessment Laws of Upper Canada, all the provisions of which, not inconsistent with this Act, shall be so applied as to carry out the true intent and meaning of this Act.

Provision if the increase in value be less than 50 per cent.

5. Should the total assessed value of real property within the limits prescribed as aforesaid in any Municipality aiding under the authority of this Act in the construction of such works, be found on their completion to have increased less than fifty per cent. over the total assessed value within the same limits at the time the guarantee was entered into, then, and in that case one half the rate determined as aforesaid by the Rate-payers' requisition, shall be calculated on the whole assessed value of real property within the limits aforesaid and levied accordingly; and such half rate on the whole assessed value within the limits aforesaid, shall continue to be assessed and levied until the total assessed value within the limits referred to exceeds the original total assessed value by fifty per cent. thereof: But whenever the total assessed value of real property in a Municipality within the limits aforesaid, exceeds by fifty per cent. or upwards the original assessed value within the same limits, then the whole rate shall be assessed on the increase only, as described in the previous section.

But if it afterwards amounts to 50 per cent or upwards.

Gravel roads to be kept in repair—Municipal Corporation may enter into certain arrangements with the Company.

6. All gravel roads constructed by any Company, under the guarantee of an annual bonus from a Municipality, shall be kept in reasonably good repair and shall be free from toll or other charges within the limits of the Municipality, so long as the bonus continues to be paid; and it shall be competent to the Municipal Corporation, to bargain and agree with the Company, either for a reduction of the bonus or the rates aforesaid, or their suspension at a fixed period, for the transfer of the roads to the management of the Municipalities, or for their continuance free of toll and kept in repair by the Company, under a modified bonus; Provided always, that the rate to be levied shall not in any case exceed the maximum rate consented to by the rate-payers.

Guarantee to be binding on the Municipality, &c.

7. After a guarantee of a bonus has been given under authority of this Act, with the consent of the rate-payers obtained as aforesaid, and action taken towards the commencement of the improvements contemplated, it shall be valid and binding upon the Municipality; and when the works are sufficiently advanced towards completion, then the rates shall be levied as herein described, and the proceeds without deduction paid over as the first annual bonus to the parties who may make the improvements in good faith.

Public Act.

8. This Act shall be deemed a Public Act.

SCHEDULE

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SCHEDULE—FORM A.

Rate-Payers' Requisition.

County of } We, the undersigned rate-payers of the Town-
TO WIT : } ship of , in the County of ,
being desirous of having established, (*here describe in general terms the character of the improvements desired,*) and approving of the general provisions and equitable principle of assessment embodied in the Act Vict., cap. ; a copy of which is hereunto attached—hereby authorize and request our Municipal Council to guarantee an annual bonus to any Company or Companies, who shall undertake to construct and carry out the improvements above referred to, agreeably to the provisions, conditions and limitations of the Act aforesaid ; and we do further authorize and consent that a maximum rate of per cent. on the increase, as explained in the second section of the Act aforesaid, subject to any reduction that the Council may determine, shall or may be levied annually on real property in this section of the for the purpose of paying the said bonus.

Signature of *bonâ fide* Owner.	Concession.	Lot.	Witness to signature.

FORM B.

Additional columns to Collector's Roll for Special Assessment.

1	2	3	4	5
No. of miles from Railway or Gravel Road.	Original assessed value (being that of the year during which the Guarantee is given.)	Corrected assessed value for the current year.	Increase in value, being the difference between the amounts in the two next preceding columns.	Amount to be collected (*this is to be calculated at the rate fixed by the Rate-payers' Requisition and the Guarantee on the sums set down in the next preceding column.*)

CAP.

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CAP. XL.

An Act to amend the Act respecting the Municipal Institutions of Upper Canada, so far as relates to local improvements in Cities.

[*Assented to 4th May*, 1859.]

Preamble.

WHEREAS it is desirable to amend the *Act respecting the Municipal Institutions of Upper Canada*, passed in the twenty-second year of Her Majesty's Reign, and to provide for the effecting of local improvements in Cities at the expense of the parties interested therein: Therefore, Her Majesty, by and with the advice and consent of the Legislative Council and Assembly of Canada, enacts as follows:

City Councils may make By-laws for certain purposes.

1. In addition to the purposes mentioned in the said Act, the Council of every City may pass By-laws for the following purposes:

Ascertaining the property to be benefitted by a local improvement.

1. For providing the means of ascertaining and determining what real property will be immediately benefitted by any proposed improvement, the expense of which is proposed to be assessed as hereinafter mentioned upon the real property immediately benefitted thereby; and of ascertaining and determining the proportions in which the assessment is to be made on the various portions of the real estate so benefitted; subject in every case to an appeal to the County Court Judge, in the same manner and on the same terms, as nearly as may be, as an appeal from the Court of Revision in the case of an ordinary assessment;

Assessing such property for such improvement—and in what manner.

2. For assessing and levying upon the real property to be immediately benefitted by the making, enlarging or prolonging of any common sewer, or the opening, widening, prolonging or altering, macadamizing, grading, levelling, paving or planking of any street, lane, or alley, public way or place, or of any sidewalk therein, on the petition of at least two-thirds in number and one-half in value of such real property of the owners of such real property, a special rate, sufficient to include a sinking fund, for the repayment of Debentures which such Councils are hereby authorized to issue in such cases respectively on the security of such rates respectively, to provide funds for such improvements, and for so assessing and levying the same,—

(1.) By an annual rate in the pound on the real property so benefitted, according to the assessed value thereof, including the improvements thereon;

(2.) Or by an annual rate in the pound on the real property so benefitted, according to the value thereof, exclusive of the improvements thereon;

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(3.) Or by an annual rate of so much per foot, equally, according to the frontage of the real property so benefitted, without reference to the comparative value of the different portions thereof;

(4.) Or by an annual rate on each portion of the real property so benefitted, in proportion, as nearly as may be, to the benefit derived by such portion;

(5.) Or partly by each of these methods, or partly by each of any two or three of them;

Regulating time of payment, &c.

3. For regulating the time or times and manner in which the assessments to be levied under this Act are to be paid, and for arranging the terms on which parties assessed for local improvements may commute for the payment of their proportionate shares of the cost thereof in principal sums;

Funds are furnished by parties.

4. For effecting any such improvement as aforesaid with funds provided by parties desirous of having the same effected.

Under what conditions such improvements may be undertaken.

2. No such local improvement as aforesaid shall be undertaken by the Council of any City, except under a By-law passed in pursuance of the fourth sub-section of the preceding section, otherwise than on the petition of two-thirds in number and one half in value of real property to be directly benefitted thereby, of the owners of such real property,—the number of such owners, and the value of such real property having been first ascertained and finally determined in the manner and by the means provided by By-law in that behalf; and if the contemplated improvement be the construction of a common sewer having a sectional area of more than four feet, one-third of the cost thereof shall also first be provided for by the Council of the City, by By-law for borrowing money, which every such Council is hereby authorized to pass for such purpose, or otherwise.

As to sewers.

What conditions shall be requisite to the validity of the By-laws.

3. It shall not be essential to the validity of any By-law passed in virtue of the first section of this Act, that it be in accordance with the restrictions and provisions contained in the two hundred and twenty-second section of the Act first above cited; but no such By-law shall be valid which is not in accordance with the following restrictions and provisions:

1. The By-law shall name a day in the financial year in which the same is passed when it shall take effect;

2. The whole of the debt and the obligations to be issued therefor shall be made payable in twenty years at furthest from the day on which such By-law takes effect;

3. The By-law shall settle an equal special rate per annum, in addition to all other rates, to be levied in each year on the real

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real property described therein and rateable thereunder for paying the debt and interest;

4. Such special rate shall be sufficient, according to the value of such real property, as ascertained and finally determined in virtue of this Act, to discharge the debt and interest when respectively payable, irrespective of any future increase in the value of such real property, and also irrespective of any income from the temporary investment of the sinking fund, or of any part thereof;

5. The By-law shall recite:

(1.) The amount of the debt which such By-law is intended to create, and, in some brief and general terms, the object for which it is to be created;

(2.) The total amount required by this Act to be raised annually by special rate for paying the debt and interest under the By-law;

(3.) The value of the whole of the real property rateable under the By-law as ascertained and finally determined as aforesaid;

(4.) The annual special rate in the pound or per foot frontage, or otherwise, as the case may be, for paying the interest and creating an equal yearly sinking fund for paying the principal of the debt, according to this Act;

(5.) That the debt is created on the security of the special rate settled by the By-law, and on that security only.

Debentures under section one to be specially distinguished.

4. Every Debenture issued under the first section of this Act shall bear on its face the words "Local Improvement Debenture," and shall contain a reference, by date and number, to the By-law under which it is issued, and also a statement of its being issued in virtue of this Act.

Section 223 of 22 V. c. 99, not to apply.

5. The two hundred and twenty-third section of the Act first above cited shall not apply to any By-law passed in virtue of this Act.

Act not to apply to certain works.

6. Nothing in this Act contained shall be construed to apply to any work of ordinary repair or maintenance: and every common sewer made, enlarged, or prolonged, and street, lane, alley, public way and place, and sidewalk therein, once made, opened, widened, prolonged, altered, macadamized, paved or planked under this Act, shall thereafter be kept in a good and sufficient state of repair at the expense of the City generally.

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Sub-section 1 of section 324 of 22 V. c. 99, repealed.

7. The first sub-section of the three hundred and twenty-fourth section of the Act first above cited is hereby repealed as respects Cities.

Property qualification, &c., under 22 V. c. 99.

8. The qualification of all persons, where a qualification is required under the said Act twenty-second Victoria, chapter ninety-nine, may be of an estate, either legal or equitable.

CAP. XLI.

An Act to amend the Act twentieth Victoria, Chapter seven, regulating Ferries in Upper Canada.

[*Assented to 4th May*, 1859.]

Preamble.

HER Majesty, by and with the advice and consent of the Legislative Council and Assembly of Canada, enacts as follows:

Sect. 5 of 20 V. c. 7, extended to certain cases.

1. The fifth section of the Act passed in the twentieth year of Her Majesty's Reign, and intituled, *An Act to amend the Laws regulating Ferries, so as to encourage the employment of Steamboats as Ferry-boats in Upper Canada*, shall be so construed as to extend and apply to all such Ferries on the Provincial Frontier, the circumstances of which do not permit or warrant the peremptory use of Steamboats.

CAP. XLII.

An Act to amend the Act twelfth Victoria, chapter thirty-five, in so far as relates to the depositing of Plans of Villages in the Registry Offices of Upper Canada.

[*Assented to 4th May*, 1859.]

Preamble.

WHEREAS there are many unincorporated Villages in Upper Canada of which no plan or map has been deposited pursuant to law in the Registry Office of the County within which the same are respectively situate, in consequence of the several original owners of the lands comprising the said Villages either not having jointly laid out and surveyed the same, or because some of the original owners left no legal representatives; And whereas it is necessary that the law regulating the depositing of Plans of such Villages in the Registry Office of the County within which the same are respectively situated, be amended: Therefore, Her Majesty, by and with the advice and consent of the Legislative Council and Assembly of Canada, enacts as follows:

Where no p'an of an unincorporated Village comprises different parcels of land, owned at

1. In each and every case in Upper Canada where an unincorporated Village comprises different parcels of land, owned

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at the original division thereof by two or more persons, and the same was not jointly surveyed and laid out into a village plot, and where in such case no entire plan or map of the said Village has been deposited with the Registrar of the County within which the same is situate, it shall be lawful for the Municipality of the Township within which the said Village is situate, and they are hereby required, immediately upon the passing of this Act to cause a plan or map of such Village to be made on the scale now required by law, and deposited in the Registry Office of the County within which the said Village is situate; and the expense attending the getting up of the map and depositing it as aforesaid shall be paid out of the general funds of the Municipality, or by a local tax upon the rate-payers of the Village.

porated village has been registered, Township Council to cause one to be made.

Cost how paid.

2. This Act shall be a Public Act.

Public Act.

CAP. XLIII.

An Act to amend the Acts under which Joint Stock Roads and other similar works are constructed in Upper Canada.

[*Assented to 4th May*, 1859.]

Preamble.

WHEREAS doubts exist as to the rights which pass under sales of Roads and other works constructed in Upper Canada, under the Joint Stock Companies' Acts, and it is expedient to remove such doubts: Therefore, Her Majesty, by and with the advice and consent of the Legislative Council and Assembly of Canada, enacts as follows:

Sale of works to pass the rights of the Company with respect to such works, to the purchaser.

1. Whenever any Road, Bridge or Pier, or Wharf constructed by any Joint Stock Company, incorporated under the Laws of Upper Canada, shall have been or shall hereafter be sold, either by such Joint Stock Company, or under some power granted by them, or under legal process against such Company, the sale or sales shall, in all cases, be deemed to have passed and to pass such Roads, Bridges and Piers, or Wharves to the purchaser or purchasers thereof, with all the rights, privileges and appurtenances, and subject to all the duties and obligations which the Law gave or imposed with reference to such Road, Bridge, Pier or Wharf, whilst the same continued the property of the Joint Stock Company which had constructed the same.

CAP.

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CAP. XLIV.

An Act for the promotion of Agriculture in Upper Canada.

[*Assented to 4th May*, 1859.]

Preamble.

WHEREAS it is expedient to encourage the formation of Joint Stock Companies authorized to hold land and erect edifices to be used for the holding of periodical fairs or exhibitions for agricultural purposes: And whereas the delay and expense incident to obtaining a special Act of incorporation from the Legislature for each separate Company operates as a great discouragement to persons desirous of embarking capital for the formation of such Companies: And it is therefore expedient that a general law should be passed to enable Joint Stock Companies to purchase and hold land for the purposes aforesaid, and to construct suitable buildings thereon, and to empower Municipal Corporations to subscribe a portion or the whole of the necessary capital for the purposes aforesaid: Therefore, Her Majesty, by and with the advice and consent of the Legislative Council and Assembly of Canada, enacts as follows:

Companies may be formed for purposes mentioned in the Preamble.

1. Any number of persons, not less than five, may, in Upper Canada, form themselves into a Company under the provisions of this Act, for the purposes aforesaid.

Conditions on which any such Company may become incorporated.

2. When any number of persons not less than five shall have subscribed a sufficient quantity of stock to amount to a sum equal in their judgment to the amount required for the purchase of the ground necessary for an edifice to be used for the purposes mentioned in the preamble to this Act, and the erection of such edifice thereon and of the additional ground required for the holding of Agricultural fairs or exhibitions, and shall have executed an instrument according to the form in the schedule A to this Act contained; and shall have paid to the Treasurer of such intended Company twenty-five per cent. upon the capital stock intended by such Company to be raised for the purposes aforesaid, and shall have registered such instrument at full length together with a receipt from the Treasurer of such Company for such first instalment of twenty-five per cent. with the Registrar of the County or city in which such edifice shall be or shall be intended to be built, such Company shall thenceforth become and be a body corporate by such name as shall be designated in the instrument so to be registered as aforesaid; and they and their successors by their corporate name shall be capable of taking, purchasing, having and holding any piece or parcel of land in Upper Canada for the purpose of erecting such edifice as aforesaid, and also for holding such fairs or exhibitions as aforesaid; such parcel of land not to contain more than one hundred acres.

Name and corporate powers.

3.

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3. The affairs, property and concerns of every such Company, which shall or may be formed under the provisions of this Act, shall be managed by not less than three nor more than nine Directors, who shall be shareholders and subjects of Her Majesty, and a majority of whom shall form a quorum capable of doing business, which said Directors shall in the first instance be chosen by ballot from among the subscribers to the said instrument so to be registered as aforesaid, and thereafter shall be annually elected by the said stockholders, on the second Monday in January in each and every year; and upon the first and every such election of Directors each shareholder shall be entitled to one vote for every share he may hold or be possessed of up to ten, and one vote for every five shares above ten; but no stockholder shall be allowed to vote at any election unless he shall have paid all calls upon each share he may hold.

Directors. Quorum. Election. Voters. Shares must be paid up.

4. The Directors or a majority of them shall, at their first annual meeting, elect one of their number to be president of such Company, and the president, if present, (or if not present then some Director chosen for the occasion), shall preside at all meetings, and in case of equality shall have the casting vote; And the said directors may pass By-laws for the regulation of the affairs of such Company, and shall keep a book in which shall be recorded all By-laws and proceedings and to which any person shall have access for the purpose of searching the same and making extracts therefrom, without payment of any fee whatsoever.

President. Casting vote. By-laws, &c.

5. Every such Company shall have a Secretary and Treasurer and such subordinate officers as the Company by its By-laws may require, who shall be elected by the Directors and required to give such security for the faithful performance of the duties of their respective offices as the Company by its By-laws may provide.

Secretary and Officers.

6. Each share in every such Company shall be twenty dollars, and shall be regarded as personal property, and shall be transferable upon the books of such Company, in such manner as shall be provided for by the Directors in that behalf.

Shares. To be personalty.

7. It shall be lawful for the Directors of any such Company, to call in and demand from the stockholders thereof respectively all sums of money by them subscribed, at such times and in such payments or instalments as such Directors shall deem proper, under the penalty of forfeiting the shares of stock subscribed for and all previous payments made thereon, if payment shall not be made by the stockholders respectively, within sixty days after a personal demand, or after notice requiring such payment shall have been published for six successive weeks in the newspaper nearest the place where the business of the Company shall be carried on as aforesaid.

Calls. Forfeiture of shares for non-payment.

8.

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Municipalities may take stock, &c.

8. It shall be lawful for any Municipal Corporation in Canada to subscribe for, acquire, accept, and hold, and to depart with and transfer stock in any Company to be formed under the authority of this Act, and from time to time to direct the Mayor, Warden, or other chief officer thereof, on behalf of such Municipality, to subscribe for such stock in the name of such Municipality, and to act for and on behalf of such Municipality, in all matters relative to such stock, and the exercise of the rights of such Municipality as a stockholder; and the Mayor, Warden, or other chief officer shall, whether otherwise qualified or not, be deemed a stockholder in the Company, and may vote and act as such, subject always to such rules and orders in relation to his authority, as shall be made in that behalf by such Municipality, by their By-laws, or otherwise, but acting according to his discretion in cases not provided for by such Municipality; and it shall be lawful for such Municipality to pay for all instalments of the stock they shall subscribe for and acquire, out of any moneys belonging to such Municipality, and not specially appropriated to any other purpose, and to apply the money arising from the dividends or profits on the said stock, or from the sale thereof, to any purpose to which unappropriated moneys belonging to such Municipality may be lawfully applied.

Mayor, &c., to represent such stock.

Municipality may pay calls, &c.

Municipal Corporations may lend money to such Company.

9. It shall also be lawful for any Municipal Corporation in Canada to lend money to any Company to be formed under this Act out of any moneys belonging to the Municipality, and not appropriated to any other purpose, and to effect such loan upon such terms and conditions as may be agreed upon between such Company and the Municipality making such loan, and to recover the money so lent, and to appropriate the moneys so recovered to the purposes of such Municipality.

Recovery of calls of stock.

10. Any such Company so to be incorporated as aforesaid may, in any Court having jurisdiction in matters of simple contract to the amount demanded, sue for, recover, and receive of or from any stockholder in such Company, the amount of any call or calls of stock which such stockholder may neglect to pay after public notice thereof in the newspaper nearest the place where the business of the Company shall be carried on as aforesaid.

What only need be stated in any action for calls.

11. In any action or suit to be brought by any such Company against any stockholder to recover any money due for any call, it shall not be necessary to set forth the special matter, but it shall be sufficient for the Company to aver that the defendant is the holder of one share or more (stating the number of shares) in the stock of the said Company, and that he is indebted to the Company in the sum of money to which the calls in arrear shall amount, in respect of one call or more upon one share or more, (stating the number and amount of each of such calls,) whereby an action hath accrued to the Company by virtue of this Act.

12.

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12. On the trial or hearing of such action it shall be sufficient for the Company to prove that the defendant, at the time of making such call, was a holder of one share or more in the undertaking, (and when there has been no transfer of the shares, then the proof of subscription to the original agreement to take stock shall be sufficient evidence of holding stock to the amount subscribed,) and that such call was in fact made, and notice thereof given as is required; and it shall not be necessary for the Company to prove the appointment of the Directors who made such call, or any other matter whatsoever; and thereupon the Company shall be entitled to recover what shall be due upon such call with interest thereon, unless it shall appear that due notice of such call was not given.

What only need be proved in any such action.

13. In any action or suit brought by or against any such Company upon any contract, or upon any matter or thing whatsoever, any stockholder, or any officer or servant of the Company shall be competent as a witness, and his testimony shall not be deemed inadmissible on the ground of interest, or of his being such servant or officer.

Members, &c., of the Company may be witnesses.

14. If any action or suit shall be brought against any person or persons for any matter or thing done in pursuance of this Act, such action or suit shall be brought within six calendar months next after the fact committed, and not afterwards; and the defendant or defendants in such action or suit may plead the general issue only, and give this Act and the special matter in evidence on the trial.

Limitation of suits for things done under this Act.

15. This Act shall be a Public Act, and shall apply to Upper Canada only.

Act limited to Upper Canada.

SCHEDULE A.

Be it remembered, that on this day of , in the year of our Lord, one thousand eight hundred and , we, the undersigned stockholders, met at , in the , County of , in the Province of Canada, and resolved to form ourselves into a Company, to be called (*here insert the corporate name intended to be taken by the Company*) according to the provisions of a certain Act of the Parliament of this Province, intituled, *An Act for the promotion of Agriculture in Upper Canada*, for the purpose of purchasing a parcel of land in the County of , and erecting thereon suitable buildings to be used for the purpose of holding periodical fairs or exhibitions for agricultural purposes; And we do hereby declare that the capital stock of the said Company shall be pounds, to be divided into shares at the price or sum of twenty dollars each; And we, the undersigned stockholders, do hereby agree to take and accept the number of shares, set by us opposite to our respective signatures, and we do hereby agree to pay

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pay the calls thereon, according to the provisions of the said in part recited Act, and of the rules, regulations, resolutions and By-laws of the said Company, to be made or passed in that behalf: And we do hereby nominate (*the names to be here inserted*) to be the first Directors of the said Company.

Name.	No. of Shares.	Amount.

CAP. XLV.

An Act to amend the Law respecting Building Societies in Upper Canada.

[*Assented to 4th May*, 1859.]

Preamble.
9 V. c. 90.

WHEREAS under an Act passed in the ninth year of the Reign of Her Majesty, intituled, *An Act to encourage the establishment of certain Societies, commonly called Building Societies, in that part of the Province of Canada formerly constituting Upper Canada*, certain Building Societies have been established called Permanent Building Societies, which have in a great measure superseded those Societies called terminating Building Societies, and are conducted on more certain and equitable principles than the said terminating Building Societies, by enabling persons to become members thereof at any time for investment therein or to obtain the advance of their shares or share by giving security therefor, and to fix and determine with the said Society the time and amount which such members shall repay such advanced share or shares and obtain the release of the said security, without being liable to the contingency of losses or profits in the business of the said Society; And whereas doubts have arisen as to whether such Permanent Building Societies are within the meaning and intention of the said recited Act; And whereas it is expedient to remove such doubts and to encourage Building Societies established on the said Permanent principle: Therefore, Her Majesty, by and with the advice and consent of the Legislative Council and Assembly of Canada, enacts as follows:

1.

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1. Any Permanent Building Society established, or hereafter to be established, under the said hereinbefore recited Act and the amended Act thereto, and conducted on the principle hereinbefore mentioned, which shall have fulfilled and observed all the conditions necessary to be fulfilled and observed for the establishment of a Building Society under the said recited Acts, shall be and the same is hereby declared to be and to have been a Building Society within the meaning and intention of the said recited Acts, and to be and to have been entitled to all the powers, benefits and advantages of the said recited Acts; and any person or persons who shall have signed the Rules and Regulations of any such Building Society entered and recorded in a book, as in the fifth section of the said recited Act, passed in the ninth year of Her Majesty's reign, is required, and shall have subscribed his name as a shareholder for one or more shares, shall, from the time of such signature and subscription, be and be deemed to have been a member or members of such Building Society; and the production of the book containing the rules for the management of such Society, kept as in the fifth section of the said Act is required, signed by such person and duly witnessed, shall, at all times and for all purposes, be sufficient evidence of membership in such Building Society.

Permanent Societies having fulfilled certain conditions declared to be within this Act.

And their subscribers to be Members.

Evidence of Membership.

2. It shall be lawful for any Permanent Building Society to alter, amend, repeal or create any Regulation, Rule or By-law for the working of the said Society at a public meeting of the members of such Society, convened as is directed by the said seventh section of the said Act, and at which public meeting one third of the members of the said Society, entitled to vote by the Rules of the said Society, and representing not less than two thirds of the unadvanced Stock of such Society, shall, either in writing under their hand or by a vote at such meeting, concur in such alteration, amendment or repeal of such Regulation, Rule or By-law, or in the creation of any new Rule, Regulation or By-law.

How By-laws of Permanent Societies may be passed or amended.

3. Every such Society, by its Rules, Regulations and By-laws authorized to borrow money, shall not, at any time after the passing of this Act, borrow, receive, take or retain, otherwise than in stock and shares in such Society, from any person or persons, any greater sum than three-fourths of the amount of capital actually paid in on unadvanced shares, and invested in real securities by such Society; and the paid in and subscribed capital of the Society shall be liable for the amount so borrowed, received or taken by any Society.

Amount to which Societies may borrow money, limited.

4. When any share or shares in any Society shall have been fully paid up according to the rules of the Society, or shall have become due and payable to the holder thereof, then and in such case it shall be lawful for the holder of such share or shares, either to withdraw the amount of his share or shares from the said Society, according to the rules and regulations thereof, or to

Shareholder whose share is paid up, may receive or invest the amount.

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to invest the amount of his said share or shares in the Society, and to receive therefrom periodically such proportion of the profits made by such Society as shall be provided for by a By-law to be passed for the purpose; and the amount of such share or shares so invested shall become fixed and permanent capital or shares in the said Society not withdrawable therefrom, but transferable in the same manner as other shares in the said Society.

Advances on security of investing on unadvanced shares.

5. It shall be lawful for such Society to advance to members on the security of investing on unadvanced shares in the said Society, and to receive and take from any person or persons, or bodies corporate, any Real or Personal Security of any nature or kind whatever as Collateral Security for any advance made to Members of the Society.

Holding real estate.

6. It shall be lawful for any Society to hold absolutely Real Estate for the purposes of its place of business, not exceeding the annual value of Six Thousand Dollars.

Society not bound to see to trusts to which its stock is subject.

What receipts shall be sufficient.

7. Such Society shall not be bound to see to the execution of any Trust, whether expressed, implied, or constructive, to which any share or shares of its stock shall be subject; and the receipt of the party in whose name any such share or shares shall stand in the books of the Society, or if such share or shares shall stand in the name of more parties than one, the receipt of one of the parties shall, from time to time, be a sufficient discharge to the Society for any payment of any kind made in respect of such share or shares, notwithstanding any Trust to which such share or shares may then be subject, and whether or not such Society shall have had notice of such Trust; and the Society shall not be bound to see to the application of the money paid upon such receipt, any law or usage to the contrary notwithstanding.

Act not to affect pending cases.

8. Nothing in this Act contained shall apply to affect any action or suit now pending at law or in equity.

CAP. XLVI.

An Act to amend and extend the Acts relating to Mutual Fire Insurance Companies in Upper Canada.

[*Assented to 4th May*, 1859.]

Preamble.

WHEREAS it is expedient to extend the provisions of the Act of the late Province of Upper Canada, passed in the sixth year of the Reign of His Majesty King William the Fourth, intituled, *An Act to authorize the establishment of Mutual Insurance Companies in the several Districts of this Province*, and of the Acts amending the same, so as to provide for the more speedy and certain payment of losses incurred, by enabling Mutual

6 W. 4, c. 18.

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Mutual Insurance Companies to possess a guarantee capital, to assume such corporate name as the Directors may deem expedient, and to collect premiums in full, in cash, in certain cases: Therefore, Her Majesty, by and with the advice and consent of the Legislative Council and Assembly of Canada, enacts as follows:

1. Any Mutual Fire Insurance Company formed under the Acts above cited shall have power to raise by subscription of its members or some of them, or the admission of new members not being persons assured by the Company, or by loan, or otherwise, a guarantee capital of any sum not exceeding five hundred thousand dollars, which guarantee capital shall belong to such Company, and be liable for all the losses, debts, and expenses of the Company; and subscribers of such capital stock shall in respect thereof have such rights as the Directors of the Company shall declare and fix by a By-law to be passed before such capital shall be raised, and which shall not thereafter be repealed or altered without the consent of the majority of votes of the shareholders of such capital, either personally or by proxy, at a meeting held for that purpose, (each holder being entitled to a vote for every share of forty dollars held by him or her,) of the holders of such capital; unless such capital be paid off in the manner hereinafter provided.

Any Mutual Insurance Company may raise a guarantee capital not to exceed $500,000.

Rights of subscribers to such capital.

2. Any such Company shall have power to adopt, by a By-law passed in the usual manner, any corporate name which the Directors may deem expedient, provided they retain the appellation of Mutual, but such corporate name shall not thereafter be changed so long as the Company shall subsist.

Company may adopt a new corporate name.

3. Any such Company shall have power to create from the surplus profits of the Company, from year to year, a Reserve Fund for the purpose of paying off the guarantee capital, after which its affairs and property shall revert to and be vested in the parties insured, as the sole members of the Company.

Company may create a Reserve Fund and pay off guarantee capital.

4. Any such Company shall have power to collect premiums in cash for insurance for terms not longer than one year, and such portion of the premium notes as the Directors may consider equitable and necessary on all insurances for terms longer than one year.

May take premium in cash.

5. Any such Company shall have power to make a periodical division of the profits of the Company equitably among the stockholders and policy holders of the Company, after providing for the Reserve Fund above referred to.

May divide profits.

6. Any such Company shall have power to extend its operations to any part of Lower Canada and Upper Canada.

May insure in L. C. or U. C.

7.

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Directors—Quorum.

7. Any such Company shall have power, under a By-law to be passed for that purpose, to elect any number of Directors, not less than seven nor more than fifteen; and any three Directors shall be a quorum.

Directors may call in guarantee capital.

8. The Directors of any such Company shall have power to recover in any Court of competent jurisdiction any assessment or call on the shares of guarantee capital, or to cancel such shares and forfeit the instalments already paid, as they may think fit.

May invest the funds of the Company.

9. The Directors of any such Company shall have power to invest the capital and funds of the Company in mortgages on real estate, Bank stock, shares in Building Societies, and such other securities as the Directors may deem profitable and safe.

Directors may make promissory notes, &c.

10. The Directors of any such Company shall have power, under By-laws to be passed regulating the manner in which such power shall be exercised, to make promissory notes, make or accept bills or drafts, or issue debentures for the payment of losses, expenses or for other purposes of the Company, and to issue certificates or scrip for shares in the guarantee capital stock of the Company, but they shall not issue any note payable to bearer, or intended to circulate as money or as a Bank note, nor shall the Company or the Directors in any way exercise the business of Banking.

Directors may make By-laws for certain purposes.

11. The Directors of any such Company shall have power to make By-laws for the effectual carrying out of the objects contemplated by the several Acts hereinabove cited and referred to and of this Act, and from time to time to alter and amend the same, except in cases with regard to which it is provided that any such By-law shall not be repealed, or where such repeal would affect the rights of others than members of the Company, in any of which cases such By-laws shall not be repealable.

As to voting by proxy.

12. No agent, paid officer or employee of any such Company shall be eligible to be elected a Director, or be allowed to hold proxies or interfere in the election of Directors of such Company; All proxies shall bear date at least three months before the election at which they are used, and be filed with the Secretary of the Company within the same period.

Party intending to effect additional Insurance elsewhere may notify the Company.

13. Whenever notification in writing shall be given to any Company by an applicant for insurance, or by a person already insured, of his intention to insure, or of his having insured an additional sum on his property in some other Company, the said additional assurance shall be deemed to be assented to, unless the Company, so notified, shall within two weeks after the receipt of such notice, signify to the party in writing their dissent; and in case of such dissent, the liability of the insured on

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on the premium note shall cease from the date of such dissent on account of any loss that may occur to such Company thereafter. **If the Company dissent.**

CAP. XLVII.

An Act respecting Homœopathy.

[*Assented to 4th May*, 1859.]

WHEREAS the system of Medicine called Homœopathy is much approved and extensively practised in many countries of Europe, in the United States and also in Canada; And whereas it is expedient to extend to duly qualified practitioners of this system privileges similar to those enjoyed by licentiates of medicine under the laws now in force in this Province: Therefore, Her Majesty, by and with the advice and consent of the Legislative Council and Assembly of Canada, enacts as follows: **Preamble.**

1. Until other persons are appointed, as hereinafter provided, Duncan Campbell, of the City of Toronto, M. D., Joseph J. Lancaster, of the Town of Galt, M. D., Alexander Thompson Bull, of the City of London, M. D., William A. Greenleaf, of the City of Hamilton, M. D., and John Hall, of the City of Toronto, M. D., shall be a Board (of whom three shall be a quorum) to examine all persons who may desire to obtain a license to practise medicine, according to the doctrines and teachings of Homœopathy, within this Province. **First Board of Examiners appointed.**

2. The Board may appoint a Secretary and Treasurer, who shall attend all the meetings, and keep a record of all the proceedings of the Board, in a book to be provided for the purpose. **Secretary and Treasurer.**

3. The Board shall hold two meetings in the City of Toronto in each year, viz: on the first Tuesday in January and July respectively, which may be continued by adjournment from day to day until the business before the Board be finished, but no session shall exceed one week. **Meetings of the Board.**

4. The Secretary may at any time, on the requisition of two members of the Board, call an extraordinary meeting of the Board for the purpose of examining candidates, and for the transaction of such other business as may come before it. **Extraordinary meetings.**

5. Every person who desires to be examined by the said Board, touching his qualifications to practise Physic, Surgery and Midwifery, or either of them, according to the doctrines and teachings of Homœopathy, shall give at least one month's notice in writing to the Secretary of the Board; and must show that he is not less than twenty-one years of age, that he has **Notice by persons wishing to be examined: and what it must shew.**

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has followed medical study uninterruptedly for not less than four years under the care of one or more duly qualified Medical Practitioners, and that he has attended at some University or Incorporated School of Medicine not less than two six months' courses of Anatomy, Physiology, Surgery, Theory and Practice of Medicine, Midwifery, Chemistry, Materia Medica and Therapeutics, respectively, and not less than one six months' course of Clinical Medicine and Medical Jurisprudence respectively.

Certificate to be granted.

6. If the Board be satisfied by such examination that the person is duly qualified to practise either or all the said branches of Medicine, as they are understood and practised by Homœopathists, they shall certify the same under the hands and seals of two or more of such Board.

License on such certificate.

7. The Governor, on the receipt of such certificate, may, if satisfied of the loyalty, integrity and good morals of the applicant, grant to him a license to practise Physic, Surgery and Midwifery, or either of them, in Upper Canada, conformably to the certificate.

Licenses to Members of the Board.

8. The Governor may, without any special certificate, grant the Provincial License to practise to such of the above named members of the Board as have not yet obtained it.

Board may make By-laws

9. The Board shall have power to make By-laws for the regulation of its own affairs, which, however, shall not take effect until they have been published in the *Canada Gazette.*

Order of retirement of Members.

10. At the meeting in July, one thousand eight hundred and sixty, the Board shall determine by lot which three of its members shall retire, and shall immediately publish their names in one of the Toronto newspapers, and such retiring members shall then only hold office until their successors are appointed; the other members of the Board shall vacate their seats (if successors are appointed) from and after the meeting in January, one thousand eight hundred and sixty-two.

Elections to supply vacancies.

11. The Practitioners licensed under this Act and resident in this Province may meet at Toronto, on any day during the January session of the Board in one thousand eight hundred and sixty-one, and on any day during such January session in each year thereafter, and may at such meeting elect, by a majority of votes, either two or three fit and proper persons to be members of the said Board in the place of the retiring members (who shall be eligible for re-election,) and the members so elected shall hold office for two years only, or until successors are elected as aforesaid.

Public Act.

12. This Act shall be deemed a Public Act.

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CAP. XLVIII.

The Seigniorial Amendment Act of 1859.

[*Assented to 4th May*, 1859.]

WHEREAS the thirteenth section of the Seigniorial Act of 1854 enacts, that as soon as the Schedules of the different Seigniories directed to be made by the said Act are completed, the Commissioners shall respectively prepare triplicates thereof, and shall dispose of and deposit the same in the manner set forth in the said section of the said Act, that is to say: that they shall transmit one triplicate to the Receiver General of this Province, and shall deposit another triplicate in the office of the Superior Court in the District in which each Seigniory is situated, and that they shall retain the other triplicate in their hands until otherwise provided by law; Preamble. Sect. 13 of 18 V. c. 3, cited.

And that the Clerk (that is the Prothonotary) of the Superior Court shall furnish one copy of every such Schedule as above mentioned, on demand, to the Seignior of the Seigniory to which it relates, and that the costs thereof shall be paid out of the funds provided by the said Act;

And whereas the preparing of the said Schedules in triplicate, and the furnishing of a copy of each by the Prothonotary of the Superior Court to each Seignior, in the manner so prescribed, would entail great delay, inconvenience and expense, without securing any adequate advantage or protection to the parties interested in the operation of the said Acts, and intended to be benefitted thereby: Therefore, Her Majesty, by and with the advice and consent of the Legislative Council and Assembly of Canada, enacts as follows:

1. The said thirteenth section of the said Act shall be and the same is hereby repealed. Sect. 13 repealed.

2. As soon as the Schedule or Schedules of any Seigniory or Seigniories is or are respectively completed, the Commissioners or any one or more of them shall make one full and complete duplicate of each such Schedule, and shall deposit the same in the office of the Prothonotary of the Superior Court of the district of Montreal, Three-Rivers, Quebec, Gaspé, Ottawa, or Kamouraska, according as the Seigniory to which each such Schedule relates is situate within either of the above mentioned districts, as they existed at the time of the said Seigniorial Act of 1854, or if such Seigniory be situate in two Districts, then in the office of the Prothonotary of the said Court for that District in which the greater part of such Seigniory is situate, and the other duplicate of each such Schedule shall remain in the hands of the Commissioners until otherwise disposed of by order of the Governor in Council; and any one or more or all the said Schedules may be deposited all together, or any number at once,—as the Commissioners see fit.

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Schedules may be deposited at the same time, and the deposit thereof may be notified at the same time, as the Commissioners shall see fit.

Abridged Schedules to be made in triplicate for certain purposes.

3 The said Commissioners or any one or more of them shall also make triplicate abridged Schedules, containing true and faithful extracts from the Schedules so deposited in the offices of the said Prothonotaries, under the following columns or headings, that is to say :

What they shall contain.

1st. Number of reference in the Schedule ;

2nd. Name of the *Censitaire ;*

3rd Extent or contents of each land or emplacement ;

4th. *Rentes constituées* to be paid by each *Censitaire* under the provisions of the said Seigniorial Act of 1854, and the several Acts amending the same, that is to say, the amount established under the said Acts to be paid in lieu of all Seigniorial rights or dues, entering the *rentes constituées* representing *lods et ventes* and casual dues, and those representing *cens et rentes*, in two separate columns.

How the said triplicates shall be disposed of, and their effect.

4. One of such triplicate abridged Schedules shall be delivered on demand to the Seignior of the Seigniory to which the abridged Schedule so demanded relates, in lieu of the copy of the Schedule which under the said Act was to have been furnished him by the Prothonotary,—another shall be deposited with the Receiver General of this Province,—and the third shall be deposited in the office of the Prothonotary with whom the Schedule is deposited, who may deliver extracts from the Schedule or from the abridged Schedule, or copies of either, which shall be *primâ facie* evidence of the facts therein stated ;— and the Commissioners or any one or more of them may also deliver any number of certified copies of the abridged Schedules, so long as one of the said triplicates remains in their hands.

Copies and Extracts from them.

Notice of deposit of Schedules.

5. So soon as and whenever the said Commissioners or one or more of them shall have made and deposited in the office of the Prothonotary of the Superior Court of any one or more of the above mentioned districts of Montreal, Three-Rivers, Quebec, Ottawa, Kamouraska and Gaspé, as above provided, one full and complete duplicate of the Schedule of any Seigniory or Seigniories, the said Commissioners or any one or more of them shall give public notice of the deposit thereof, in the terms of the Form A, annexed to this Act, or in other terms of the like import, in the English and French languages, in the *Canada Gazette*, or other newspaper recognized as the Official Gazette of this Province ; and the publication of the notice prescribed by this Act shall have the like effect, and be subject to and affected

Form ;—

And effect.

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affected by all the unrepealed provisions of the said Seigniorial Act of 1854, and the several Acts amending the same, as the notice prescribed by the said Seigniorial Act of 1854 and the publication thereof, except in so far as such provisions are contrary to or inconsistent with those of this Act.

Prothonotaries to furnish Copies of Extracts ;—fee.

Copies or extracts to be evidence.

6. The Prothonotary of the Superior Court shall furnish copies or extracts from each such Schedule or abridged Schedule, duly certified in the usual form, to any person applying for the same, upon the payment of five cents for every hundred words or figures in any such copy or extract ; and all such copies or extracts, whether in words or figures, and also the triplicate of the abridged Schedule directed by this Act to be furnished to each Seignior by the Commissioners, shall be deemed authentic, and shall serve as *primâ facie* evidence of all matters therein set forth.

FURTHER AID TO THE CENSITAIRES FOR THE REDEMPTION OF THE CASUAL RIGHTS.

Balance of rents representing casual rights assumed by the Province.

7. So much of the constituted rents representing the *lods et ventes* and other casual rights, as will not be redeemed out of the Fund appropriated for the Relief of the *Censitaires* by the Seigniorial Act of 1854, shall be assumed by the Province and paid by the Receiver General out of the Consolidated Revenue Fund, to the Seigniors or parties respectively entitled to such rents, half-yearly, on the First of January and July, and the *Censitaires* shall be discharged from the payment thereof.

Capital may be paid at a certain rate.

8. With the consent of the Provincial Government and of the Seignior or other party entitled absolutely to any such constituted rents, a sum of money equal to seventy-five per cent. of the Capital representing the same at six per cent. per annum, may be paid out of the Consolidated Revenue Fund to such Seignior or party, in full satisfaction of such rents for ever.

Moneys to be liable to oppositions, &c.

9. The constituted rents or sum of money to be so paid shall be liable to the claims and oppositions of third parties in like manner as the sum payable to any Seignior out of the said Fund for the Relief of the *Censitaires*.

Assumption not to prevent applications for revision of Schedules.

10. The assumption by the Province of the payment of the said constituted Rents, shall not interrupt or prevent any application or petition for the revision of any Schedule presented by the *Censitaires* or by the Seignior, of any Seigniory, concerning the amount of the said rents or the *lods et ventes* and casual rights they represent,—but Her Majesty's Attorney General for Lower Canada may institute, contest or continue any such application or petition for the revision of any Schedule, in the name of the Crown or of the *Censitaires* or any of them.

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ABOLITION OF THE SEIGNIORIAL TENURE IN THE SEIGNIORIES BELONGING TO THE SEMINARY OF ST. SULPICE.

Lods et Ventes abolished in the said Seigniories

11. In order to provide for the commutation of the Seigniorial Tenure, in the Seigniories of St. Sulpice and the Lake of Two Mountains belonging to the Corporation of the Ecclesiastics of the Seminary of St. Sulpice of Montreal, (hereinafter called the Seminary,) and those parts of the Seigniory of the Island of Montreal, belonging to the same, which are not within the Parish and City of Montreal,—no *lods et ventes* or mutation fine shall accrue on any mutation in the ownership of any property in the said Seigniories and parts of a Seigniory, subsequent to the passing of this Act,—and the said Seigniories and parts of a Seigniory shall be and are hereby brought under and shall be subject to the provisions of the Seigniorial Act of 1854 and the Acts amending the same, which shall apply to the said Seigniories and parts of a Seigniory, so far as regards the ascertaining of the value of the *cens et rentes* and other rights of the Seigniors, and Schedules and abridged Schedules shall be made for the same as provided by the said Acts and by this Act, subject to the following modifications :

They shall be subject to the Seignorial Act of 1854, &c.

Subject to certain modifications.

Value of *Lods et Ventes* how reckoned.

1. The value of the *lods et ventes* shall be reckoned, not at the reduced rate fixed by the Ordinance passed by the Governor and Special Council for the affairs of Lower Canada, in the Session held in the third and fourth years of Her Majesty's Reign, and chaptered thirty, but at the full rate of one-twelfth of the price or value of the property, for each mutation of ownership producing *lods et ventes* ;

As to mutations of ownership of commuted property.

2. Every mutation of the ownership of any property commuted under the said Ordinance, which occurred during the ten years immediately preceding the passing of the Seigniorial Act of 1854, shall be taken into account in estimating the value of the said *lods et ventes*, (although such mutation may have happened after the said commutation,) if without such commutation it would have produced *lods et ventes* ; and the commutation itself shall be reckoned as a mutation producing *lods et ventes :* but if in any case the commutation money has exceeded one full *lods et ventes*, the excess shall be deducted from the amount to be paid as hereinafter provided in lieu of the said *lods et ventes* and casual rights ;

Sums appropriated for the relief of the *Censitaires* in reduction of rents representing casual rights.

3. The *Censitaires* of the said Seigniories and parts of a Seigniory shall have no share of the fund for the relief of the *Censitaires* provided by the Seigniorial Acts :—but instead thereof, for the relief of the said *Censitaires*, there shall be paid to the Seigniors : 1st. the sum of thirty-five thousand pounds out of the Consolidated Revenue Fund : 2nd. a sum to be agreed upon between the Government and the Seigniors as the value of the outstanding arrears of *lods et ventes* belonging to the Province under the Ordinance aforesaid, which value

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value shall be taken by the said Seminary as money; and the said arrears shall then belong to the said Seminary, whatever their amount may be:

The said sums shall go in reduction of the Capital of the *Rentes Constituées* representing the *lods et ventes* and casual rights, and the remainder (if any) of the said *Rentes* is hereby guaranteed to be paid half yearly on the first of January and July, out of the Lower Canada Municipalities Fund (arising from the Clergy Reserves) after paying the charges on the said Fund under the Act twentieth Victoria chapter forty-four, and the Acts amending it; and if at any time the moneys in the hands of the Receiver General belonging to the said Fund are insufficient to pay the said remainder of the said *Rentes*, he shall advance the sum required to pay the same out of the Consolidated Revenue Fund, to which it shall afterwards be repaid out of the said Lower Canada Municipalities Fund;

Remainder of the rents representing casual rights, payable out of L. C. Municipalities Fund.

4. The interest on the said sum of thirty-five thousand pounds, shall also be payable to the said Seminary half yearly on the first of January and July: and the said Seminary shall have the same privilege as other Seigniors of receiving the Capital of the said sum, and the capital of the said remainder of the said *Rentes*, at the rate of seventy-five per cent. on such Capital in full satisfaction of the whole;

Interest on the £35,000 to be payable half-yearly.

5. The said payments by the Province shall include the commutation of the tenure of all property now held by the Province or the Crown, or by the War Department as representing the late Ordnance Department, in any Seigniory belonging to the said Seminary, and such commutation shall be perfected by the passing of this Act.

Payments to include commutation of all Provincial property.

12. In those parts of the Seigniories belonging to the said Seminary, which are within the City and Parish of Montreal, *lods et ventes* and other casual rights shall be abolished by the passing of this Act,—and instead thereof, a commutation fine, calculated and ascertained in the manner prescribed by the Ordinance aforesaid, subject to the provisions of this Act, shall be payable to the said Seminary on the first mutation of the ownership of any property after the said abolition of the *lods et ventes* and other casual rights thereon, whether such mutation occur by sale, exchange, descent, bequest or in any other way; and such commutation fine shall be secured by the same privileges and recoverable in the same manner as the *lods et ventes* and other casual rights for which it is substituted now are: but in the case of mere descent or bequest such commutation fine shall not be exigible by the said Seminary until the expiration of ten years after the decease of the person from whom the property descends.

***Lods et Ventes* abolished in Montreal.**

Commutation fine payable instead in certain cases.

When it shall be exigible.

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Property held in mortmain to be commuted within 20 years.

13. All property held in mortmain or by any Corporation, in those parts of the said Seigniories which are within the City and Parish of Montreal as aforesaid, and the tenure whereof is not already commuted, shall be commuted within twenty years from the passing of this Act, and if not so commuted voluntarily, the commutation fine thereon, calculated and ascertained in the manner prescribed by the said Ordinance, subject to the provisions of this Act, shall become payable to the Seminary, and shall be secured by the same privileges as the commutation fine mentioned in the next preceding Section.

How the value of the property, &c., shall be ascertained if not agreed upon.

Arbitration.

Costs.

14. If the value of the property, the tenure of which is to be commuted under the two next preceding Sections and of the capital of the *cens et rentes* thereon, have not been ascertained or agreed upon, then the said Seminary, whenever such commutation has become compulsory on the owner of such property, may serve a notice on such owner naming some disinterested person as their arbitrator to fix such value, and requiring such owner to name another disinterested person as his arbitrator, and if the owner does not, within six days after the service of such notice, notify to the said Seminary the name of such arbitrator, or appoints a person who is disqualified, the said Seminary may apply by summary petition to any Judge of the Superior Court at Montreal, who may on such application appoint an arbitrator on behalf of such owner, and the two arbitrators, or if they cannot agree, any Judge of a Superior Court, on the application of either, may name a third arbitrator, and the award of such three arbitrators, or of any two of them, fixing the value of the property or of any buildings thereon, and of the capital of the *cens et rentes*, shall be conclusive evidence of such value and capital for the purpose of ascertaining the commutation fine or indemnity to be paid by such owner, and shall be returned into, filed and enrolled by the Superior Court at Montreal and by the said Court duly confirmed, and may then be enforced by the Seminary by action if need shall be: and the costs of such arbitration shall be borne by the parties in equal shares.

Act not to prevent voluntary commutation.

Owner may convert commutation money into a constituted Rent, if it amounts to £100.

Seminary to grant Deed of Commutation.

15. Provided always, that nothing in the three next preceding sections of this Act shall prevent the owner of any such property from commuting the tenure thereof in the manner prescribed by the said Ordinance at any time, if he thinks fit so to do; and that whenever the commutation fine or indemnity amounts to not less than one hundred pounds currency, the owner of the property shall always have the right to declare his option that such commutation fine or indemnity, shall remain charged upon the property at and for a constituted rent according to the laws of Lower Canada, as provided by the seventh section of the said Ordinance, and the same shall remain so charged accordingly: And whenever a commutation fine is paid, or converted into a constituted rent, the Seminary shall, on demand of the owner of the property, execute a notarial Deed acknowledging the same and that the property is held by him in

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in *franc aleu roturier*, subject to the charges (if any) therein to be expressed.

16. The unconceded lands in any of the said Seigniories and all landed property held by the said Seminary within the same, (including the City and Parish of Montreal) shall be vested absolutely in the said Seminary in *franc aleu roturier*, and they may sell or dispose of any such lands or of any other property belonging to them, either for money or for redeemable ground rents, and may invest the proceeds as hereinafter mentioned.

Unconceded lands, &c., vested in the Seminary.

17. Except in cases where before the passing of this Act, some other agreement has been made—or where suits have been brought,—or where either before or after the passing of this Act, oppositions *afin de conserver* have been or may be filed by the said Seminary,—the arrears of *lods et ventes* and *cens et rentes* due by any party personally or hypothecarily before the passing of this Act in the said Seigniories (including the said City and Parish of Montreal) shall not be exigible immediately by the said Seminary if they exceed the amount of one hundred dollars; but if such arrears amount to more than one hundred dollars they shall be payable in four equal annual payments, the first to be made in the year 1859, the second in the year 1860, the third in the year 1861, and the fourth in the year 1862;—provided that the failure to make any one such payment within the year prescribed, shall render the whole sum then owing exigible, and it shall bear interest (even without suit) from the end of the year in which such failure shall take place.

Except in certain cases—arrears over $100 shall be payable by instalments.

18. A further period of twenty years beyond that limited by the said Ordinance, shall be allowed to the said Seminary to dispose of the portion of the St. Gabriel Farm now remaining undisposed of,—and with power to the Seminary to make such sale either by auction or private agreement, and in one block or in such parcels as they think proper: And the thirteenth section of the said Ordinance is hereby amended so that it shall be lawful for the Seminary to invest its funds in hypothecs or securities of any kind,—the amount to be invested in the purchase of real property remaining limited as it now is.

Further period allowed for disposing of St. Gabriel Farm;

Seminary may invest its funds in certain securities.

SUMS PAYABLE UNDER THIS ACT, TO BE DEDUCTED FROM THE LOWER CANADA MUNICIPAL LOAN FUND.

19. A sum of money equal in amount to the capital at six per cent per annum, of the sum which under the foregoing provisions will be payable yearly to Seigniors in Lower Canada out of Provincial Funds, added to the sum of thirty-five thousand pounds payable to the Seminary,—shall be deucted from the amount of the Lower Canada Municipal Loan Fund.

Sums payable to Seigniors under this Act, to be deducted from the said Fund.

INDEMNITY

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INDEMNITY TO UPPER CANADA, AND TO THE TOWNSHIPS OF LOWER CANADA.

Sum payable to Upper Canada Municipal Loan Fund.

20. A sum of money equal to that which under the foregoing provisions will be payable yearly to Seigniors in Lower Canada out of Provincial Funds, over and above the amount payable to them out of the Fund for the relief of the *censitaires* under the Seigniorial Act of 1854,—shall be payable yearly out of the Consolidated Revenue Fund of this Province to the credit of the Upper Canada Municipal Loan Fund, in reduction of the advances that have been or may be made from time to time from Provincial funds on account of the said Fund:

Payment not to diminish liability of Municipalities.

Such payment shall not in any way extinguish or diminish the individual liability of the Municipalities, which have become indebted upon the security of the said Loan Fund,—but the said yearly sum shall, so soon as the Province ceases to be under advances to the said Loan Fund, be added to the Upper Canada Municipalities Fund (Clergy Reserves) and distributed in like manner; And so long as any Municipality shall at any time be in default in any payment which ought to have been made by it to the said Loan Fund, such Municipality shall have no share in any distribution of the Upper Canada Municipalities Fund (arising from the Clergy Reserves) which shall be made while such Municipality is so in default, and the share it would otherwise have had shall go to the other Municipalities;

To be in addition to sum payable under Act of 1854.

The sums payable under this section shall be in addition to the sum to be appropriated for local purposes in Upper Canada under the Seigniorial Act of 1854.

Sum payable for the benefit of the townships in Lower Canada.

21. A sum of money bearing the same proportion to that which under the foregoing provisions will be payable yearly to the Seigniors in Lower Canada, as the population of the Townships of Lower Canada shall, by the Census of one thousand eight hundred and sixty-one, be found to bear to that of the Seigniories,—shall be payable yearly, out of Provincial Funds, to the credit of the Lower Canada Municipal Loan Fund, but for the benefit of the townships only, including St. Armand East and West, in the County of Missisquoi.

ORDNANCE SEIGNIORIES AND JESUITS' ESTATES.

Ordnance Seigniories to be dealt with as Crown Seigniories.

22. All Seigniories transferred to the Province under the Act nineteenth and twentieth Victoria, chapter forty-five, as part of the Ordnance property, shall be dealt with as Crown Seigniories, under the said Seigniorial Act of 1854, and the Acts amending it, which shall apply to the said Ordnance Seigniories.

Payment of L. C. Education Fund.

23. A sum of money equal to the constituted rents representing *lods et ventes* and casual rights in the Seigniories forming part

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part of the Jesuits' Estates, to be calculated in the manner prescribed by the said Seigniorial Act of 1854 and the Acts amending it, and reckoned from the time when the said casual rights were abolished, shall be paid yearly out of the Consolidated Revenue Fund, to the Lower Canada Superior Education Fund.

MISCELLANEOUS.

24. For the purposes of the ninth section of the Seigniorial Amendment Act of 1856, and of this Act, the Districts of Montreal, Ottawa, Three-Rivers, Quebec, Kamouraska and Gaspé, therein referred to, shall be the said Districts as constituted and bounded when the said Seigniorial Act of 1854 was passed, notwithstanding any subsequent redivision of Lower Canada into Districts; and the word "District," in the Seigniorial Act of 1854, and the Acts amending it and this Act, shall always be understood as meaning one of the said Districts as so constituted and bounded. **Districts—how constituted for the purposes of the Seigniorial Acts.**

25. The Interpretation Act, and the thirty-seventh Section of the Seigniorial Act of 1854, concerning the Interpretation of certain words, shall apply to this Act. **Interpretation.**

26. This Act shall be called and known as "The Seigniorial Amendment Act of 1859." **Short Title.**

SCHEDULE.—FORM A.

Public Notice is hereby given that the Schedules of the several Seigniories, Fiefs and Arrière Fiefs,—(*or* the Schedule *or* Schedules of the Seigniory, *or* Seigniories, Fief *or* Fiefs, &c., of , in the Districts of ,)—*or* the Schedules of the several Seigniories, Fiefs, &c., in the District of , *as the case may be*,) in that part of the Province of Canada, known as Lower Canada, shewing the *rentes constituées*, into which the Feudal and Seigniorial rights, dues, charges, obligations and rents, due and payable upon each land and emplacement in each Seigniory, Fief *or* Arrière-Fief, respectively (*or*, in the said Seigniory &c.,) are converted, are (*or* is) completed, and that duplicates (*or* a duplicate) thereof, and abridged triplicates Schedules (*or* an abridged triplicate Schedule) thereof have (*or* has) been deposited in the offices of the Prothonotaries of the Superior Courts of the Districts of (*as the case may be*) (*or*, of the Prothonotary of the Superior Court for the District of), and that triplicate abridged Schedules (*or* a triplicate abridged Schedule) have (*or* has) been deposited in the office of the Receiver General of this Province; and that the duplicate Schedules (*or* Schedule) of the said Seigniories, Fiefs, &c., (*or* Seigniory, Fief, &c.,) remain (*or* remains) in the hands of the Commissioners under the Seigniorial Act of 1854, according to the provisions of the Seigniorial Amendment Act of 1859.

Dated, &c.

A. B. } Commissioners under the
C. D. } Seigniorial Act of 1854.

CAP.

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CAP. XLIX.

An Act to amend in certain respects the law relating to Ground Rents and Life Rents, in Lower Canada.

[*Assented to 4th May*, 1859.]

Preamble.

WHEREAS it is expedient to amend the laws presently in force in Lower Canada, as to rents (*Rentes*) charged upon real estate, and to facilitate the redemption thereof: Therefore, Her Majesty, by and with the advice and consent of the Legislative Council and Assembly of Canada, enacts as follows:

No perpetual irredeemable rent to be created hereafter, &c.

1. From and after the passing of this Act, there shall not be created under any description of instrument whatsoever, any perpetual irredeemable ground rents, (*rentes foncières perpétuelles non rachetables*), nor yet any rent to affect real estate irredeemably for a term of more than ninety-nine years, or for more than three lives; but all such rents as aforesaid, if stipulated, shall at all times be redeemable at the option of the debtor thereof, and be subject to all the laws and rules governing ordinary constituted rents, (*rentes constituées à perpétuité*) as to the redemption thereof and otherwise, save and except as to prescription which shall be that of thirty years for such rents and the arrears thereof.

Terms of redemption may be stipulated by deed creating any rent.

But the period of non-redemption shall not exceed 30 years.

2. It shall be lawful for the parties to any instrument for the transfer of real estate (*titre translatif de propriété immobilière*,) whether by sale or otherwise, to regulate thereby, as they shall see fit, the terms on which any rent which they may thereby create, shall be redeemable, and also to stipulate that the same shall not be redeemable until after the expiration of any period not exceeding thirty years; and if in any case the parties shall stipulate that any such rent shall not be redeemable until after the expiration of any period not exceeding ninety-nine years but exceeding thirty years, such stipulation shall for such excess over the period of thirty years be null and void.

All rents already created to be redeemable, if owned by a Corporation or party capable of alienating them, and on what conditions.

3. All rents, other than those hereinafter excepted, which, before the passing of this Act, may have been charged upon any real estate, by any instrument for the transfer thereof (*titre translatif de propriété*) whether by sale or otherwise, either as perpetual irredeemable ground rents (*rentes foncières perpétuelles non rachetables*), or as rents to affect such real estate irredeemably for a term of more than ninety-nine years, or for more than three lives, if owned by any Corporation or by any party capable in law of alienating the same, shall hereafter be redeemable at the option of the holder (*détenteur*) of such real estate, on any day whereon any payment (*arrérages*) of such rent shall fall due; but no such rent shall be so redeemable if the right of the owner (*créancier*) thereof be only conditional or

Exception.

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or limited, or if such rent be charged by emphyteotic lease (*créée à titre de bail emphytéotique*); Provided always, that such holder shall have given one full year's notice to the owner (*créancier*) of the rent, of his intention to redeem the same on such day, and shall on such day duly pay or tender the full amount of the capital of such rent, and of all arrears (*arrérages*) thereof; And provided also, that if, after such notice given, payment or tender be not made on such day, the owner (*créancier*) of the rent shall be under no obligation by reason of such notice to receive the same, but in his option may either insist on the continued payment of such rent as stipulated, or may at any time within one year thereafter sue for and recover, as well personally against the party who may have given such notice as hypothecarily against any third party holder (*détenteur*) of the real estate, the full amount of such capital and arrears, with interest thereon from such day, and liquidated damages at the rate of ten per centum thereon, and costs of suit.

Proviso: notice to be given.

Proviso: if not redeemed pursuant to notice.

4. It shall be lawful for any corporation to invest in real estate, or upon security thereof, the amount of the capital of any rent redeemed or recovered under this Act.

Corporations may invest redemption money in or upon real estate.

5. Whenever the amount of the capital of any rent to be redeemed under this Act shall not have been stated in the instrument creative thereof, the same shall be calculated from the amount of such rent at the rate of five per centum per annum, if the date of such instrument be prior to the fourth of March, one thousand seven hundred and seventy-seven, and at the rate of six per centum per annum, if the date thereof be on or subsequent to that day; and whenever such rent shall be wholly or in part payable in kind, the value of the same shall and may be calculated for the redemption thereof, at the then fair money value of the articles wherein the same may be so payable.

Calculation of capital of a rent where it is not stated.

6. Nothing in this Act contained shall be construed to affect in any wise howsoever any seigniorial rent (*rente seigneuriale*), or any rent created or to be created under the Seigniorial Act of 1854, and the Acts amending the same, or any rent stipulated by any lease or grant from the Crown, or from any department of the Government, or to render redeemable any *rente viagère* heretofore created, or any *rente viagère* hereafter to be created, for not more than three lives, or to abridge or otherwise alter the term now fixed by By-law for the prescription of any irredeemable rent heretofore created and hereby made redeemable or of the arrears thereof.

Act not to apply to certain cases.

Not to affect prescription.

7. This Act shall apply to Lower Canada only.

Act limited to Lower Canada.

CAP.

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CAP. L.

An Act to amend *An Act to facilitate the proof in Lower Canada of certain Instruments executed without that section of the Province.*

[*Assented to 4th May*, 1859.]

Preamble.

22 V. c. 7.

WHEREAS it is expedient to amend the Act passed in the twenty-second year of Her Majesty's Reign, intituled, *An Act to facilitate the proof in Lower Canada of certain Instruments executed without that section of the Province:* Therefore, Her Majesty, by and with the advice and consent of the Legislative Council and Assembly of Canada, enacts as follows:

Copy of power of Attorney executed abroad before a Mayor, &c., produced in evidence to be made by Prothonotary.

Such copy to be *primâ facie* evidence, &c.

1. In all cases where any Power of Attorney purporting to be executed out of Lower Canada, in the presence of one or more witnesses, and to be authenticated by or before any Mayor or other Magistrate, Judge of any Court of Record, British Consul or other Public Officer of the country where it bears date, has been or may be produced by any witness or witnesses who decline to part with such original, it shall be the duty of the Prothonotary or Clerk of the Court in which such cases shall or may be pending, forthwith to make a true and exact copy of such Power of Attorney, at the cost and charges of the party or parties requiring the same, and to certify and deposit the same in such cases; and such copy so certified and deposited shall be taken and received by and before all Courts and elsewhere in Lower Canada, as *primâ facie* evidence of the original and of the due execution thereof; and such Power of Attorney shall be held and taken to be authentic and duly proved in the manner aforesaid, unless the authenticity thereof be specially put in issue as hereinafter mentioned.

Authenticity of original may be denied on affidavit.

It must then be proved, and how.

2. It shall be competent for any interested party to deny the authenticity of the original of any such copy by filing an affidavit before the closing of the evidence or *Enquête* of the party or parties producing such copy, or in whose interest it shall or may be filed, to the effect that he has reason to doubt and does not believe that the same was executed or attested by the person or persons, nor in the manner it purports to be, and by entering security to the satisfaction of a Judge, for all costs attending the execution of any commission to be issued to prove such Power of Attorney; it shall then be incumbent on the party wishing to use the copy to prove the original thereof in due form of law, to which end the party having the custody of such original shall be bound, on the order of any Judge, to deposit the same in Court, in the cause wherein it is put in issue, receiving in return from the Prothonotary or Clerk thereof, at the expense of the party by whom its authenticity is denied, a copy thereof certified as aforesaid; and it shall be the duty of all Judges and Courts to grant such order on petition, any law or

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or custom to the contrary notwithstanding; and the original may thereupon be annexed to any Commission to be issued for the proof thereof.

3. If such Power of Attorney is duly proved, all costs incurred on the proceedings for proving it shall be taxed against and payable by the party denying the authenticity of the same, whatever may be the final judgment in the cause; and in any case, when the cause is finally decided by a judgment in the last resort or from which there is no appeal, or when the delay to appeal has expired, it shall be the duty of the Prothonotary or Clerk to return the original Power of Attorney to the party who deposited the same or his legal representative on demand, taking a receipt for the same.

Costs of proving against whom to be taxed.

4. The said Act now being amended shall apply to all cases pending when the said Act came into force, and to all Notarial copies of Powers of Attorney of the description in the said Act mentioned, filed in such cases; and any person wishing to deny the authenticity of any original Power of Attorney contemplated by that Act, in any such case, where the party may have pleaded before the said Act came into force, shall file the affidavit and give the security mentioned in the second section of the said Act within one month from the day on which this Act shall come into force and effect, in default whereof such original Power of Attorney shall be held and taken to be authentic and duly proved in the manner in the said Act mentioned.

The said Act to apply to cases where it came into force: how party denying authenticity of power produced under it shall proceed.

CAP. LI.

An Act to prevent the fraudulent conveyance of real estate charged with hypothecs, after proceedings have been instituted to enforce payment thereof.

[*Assented to 4th May*, 1859.]

WHEREAS it often happens that debtors, with the view of defrauding their creditors, sell or alienate their real estate after their creditors have taken proceedings at law for the recovery of debts for which such real estate has been hypothecated, thereby exposing them to the inconvenience of commencing new proceedings, and often to the loss of their debts, and it is expedient to provide for the prevention of frauds of this nature: Therefore, Her Majesty, by and with the advice and consent of the Legislative Council and Assembly of Canada, enacts as follows:

Preamble.

1. Every sale or alienation of any nature whatsoever, of any immoveable charged with hypothec duly registered prior to such sale or alienation, after proceedings shall have been commenced for the recovery of the debt, with the payment of which such immoveable is charged, shall be null and

Sale, &c., made after proceedings for recovering hypothecary debt to be void.

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and void as regards the creditor who shall have commenced such proceedings, and such creditor may proceed against the defendant in such action to the seizure and sale of such immoveable as though such sale or alienation had never taken place; Provided always that in such case the purchaser of such immoveable so seized may prevent the sale thereof, by tendering by his opposition and depositing in the office of the Sheriff, the amount of the debt with which such immoveable is charged, including principal, interest and costs, and not otherwise, and such deposit having been so made, the Sheriff shall forthwith pay to the plaintiff and prosecuting creditor the amount of the debt including capital, interest and costs, and no such opposition shall have the effect of preventing or suspending such seizure and sale, if it be not accompanied with such tender and deposit.

Proviso: how the purchaser may prevent the sale of the property by the Sheriff.

Act limited to U. C.

2. This Act shall apply to Lower Canada only.

CAP. LII.

An Act to amend the School Laws of Lower Canada.

[*Assented to 4th May*, 1859.]

Preamble.

WHEREAS it is expedient to amend the School Laws of Lower Canada, as hereinafter is set forth: Therefore, Her Majesty, by and with the advice and consent of the Legislative Council and Assembly of Canada, enacts as follows:

Governor in Council may appoint a Board of Examiners in any County or Counties.

1. It shall be lawful for the Governor in Council, whenever it may be deemed expedient so to do, upon report of the Superintendent of Schools or Council of Public Instruction for Lower Canada, by Proclamation, to constitute a Board of Examiners of Teachers in and for any County in Lower Canada, or in and for any two or more neighboring Counties in Lower Canada which may be conveniently united for such purpose; and every such Board shall meet at such place and at such times as the Governor in Council may upon like report from time to time ordain; and the members thereof shall from time to time be appointed by the Governor in Council through the Superintendent of Schools.

In what place and during what period the certificates granted by any Board shall avail.

2. The certificates to be granted by every such Board shall only avail for the employment of the Teachers obtaining the same, within such County or Counties, and for such class or classes of Schools, as the Governor in Council upon like report may from time to time ordain, and for a term of three years from the date of such certificates; and those to be hereafter granted by the several Boards of Examiners in the Cities of Montreal and Quebec, and in the Districts of Kamouraska, Gaspé, Three-Rivers and Ottawa, and in the Counties of Sherbrooke and Stanstead, respectively, shall in like manner only avail

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avail for such territorial limit, and for such class or classes of Schools, as the Governor in Council upon like report may from time to time ordain, and for a like term of three years.

3. The meetings of the several Boards of Examiners in the Cities of Montreal and Quebec, the Districts of Kamouraska, Gaspé, Three-Rivers and Ottawa, and the Counties of Sherbrooke and Stanstead, respectively, shall hereafter be held at such places therein, and may hereafter be held at such times instead of or besides those now fixed by law, as the Governor in Council may upon like report from time to time ordain.

Meetings of the Board.

4. Every Board of Examiners, with the exception of those in the Cities of Montreal and Quebec respectively, shall be composed of not less than five nor more than ten members, and may be organized, if the Governor in Council upon like report shall so ordain, but not otherwise, in two divisions, Roman Catholic and Protestant respectively; in which case each division shall separately perform the duties devolving on them.

Number of Members.

Divisions of Boards.

5. It shall be lawful for the Governor in Council upon like report from time to time to modify, as occasion may require, the detail of duties imposed on Boards of Examiners and on the Secretaries of such Boards, by the fiftieth section of the Act passed in the ninth year of Her Majesty's Reign, intituled, *An Act to repeal certain enactments therein mentioned, and to make better provision for Elementary Instruction in Lower Canada;* and every modification so made of such duties shall be binding on all parties for whom the same may have been made, as though expressly embodied in this Act.

Governor in Council may modify the duties of the Boards.

6. The School Commissioners for any Municipality, and the Trustees of any Dissentient Schools therein, may hereafter raise by direct assessment upon the taxable property by law subject to such assessment, any amount beyond that now limited by law, which it may be deemed necessary to raise for the support of the Schools under their control.

Any amount required for Common Schools may be raised by direct taxation.

7. The limit heretofore set to the amount of any rate for the building of a School-house is hereby extended,—so that hereafter any rate for the building of a Superior or Model School-house may amount to the sum of one thousand dollars, and for the building of a Common School-house to the sum of five hundred dollars.

Amount which may be raised for a School-house extended.

8. No assessment for School purposes shall hereafter be held for null or be set aside, by reason of its having been made or published after the time limited by law.

Assessment not void tho' after the time time limited.

9. The copyright of any book, map, chart, musical composition, or other publication whatsoever, (whether original, or wholly

Copyrights in School books, &c., may be

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owned by Council of Public Instruction.

wholly or in part compiled,) which may hereafter be published for the use of Schools under the direction of the Council of Public Instruction for Lower Canada, may be acquired and held by the said Council; and all profits to result from such copyrights shall enure to the benefit of the Lower Canada Superior Education Income Fund.

Sect. 9 of Act 19, 20 V. c. 14, and oth r enactments inconsistent with this Act, repealed.

10. The ninth section of the Act passed in the Session of the Parliament of this Province held in the nineteenth and twentieth years of Her Majesty's Reign, intituled, *An Act to amend the Common School Laws, and further to promote Elementary Education in Lower Canada*, and all other provisions of any law now in force inconsistent with this Act, are hereby repealed.

CAP. LIII.

An Act further to amend the Acts touching the Royal Institution for the Advancement of Learning, and the University of McGill College.

[*Assented to 4th May*, 1859.]

Preamble.

WHEREAS the Royal Institution for the Advancement of Learning, Governors of the University of McGill College, by their Petition to the Legislature have set forth, that under authority of the Act of the Parliament of this Province, passed in the eighth year of Her Majesty's Reign, and intituled, *An Act to enable the Corporation of the Royal Institution for the Advancement of Learning, to dispose of certain portions of land for the better support of the University of McGill College*, they have heretofore alienated certain portions of the lands held by them in trust for the said University, for an annual irredeemable ground rent (*rente foncière*) subject (as by the said Act was required), to an increase of twenty-five per cent. on the original rent, at the expiration of every twenty years, for the term of one hundred years from such alienation; that it has been doubted how far and upon what terms such rents can be by law redeemed, even under the legislation since had with the view of rendering *rentes foncières* redeemable; that for avoidance of such doubts it is desirable that the said Royal Institution for the Advancement of Learning should be by law expressly authorized to agree with the holders of such lands for the redemption of all ground rents (*rentes foncières*) so stipulated, subject to increase as aforesaid; that they the said Royal Institution were under the necessity, during the year one thousand eight hundred and fifty-six, of expending upwards of two thousand five hundred pounds currency, over and above all available revenues of the said University, in and about the re-building of Burnside Hall, one of the buildings of the said University, then recently destroyed by fire, and that to meet the educational

8 V. c. 78.

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educational wants of the said University they must very shortly expend other large amounts of money over and above its available revenues, in or about the erection or acquisition by purchase of other University buildings; that it has been doubted how far such University buildings can be held to be "productive real estate" within the meaning of the Act of the Parliament of this Province, passed in the twentieth year of Her Majesty's Reign, and intituled, *An Act further to amend the Acts relative to the Royal Institution for the Advancement of Learning, and to the University of McGill College*, whereby the said Royal Institution for the Advancement of Learning were and are required to invest all moneys received by them as purchase money of real estate or in redemption of ground rents, whether on account of McGill College aforesaid, or of any department or branch thereof, of any Institution of Royal Foundation wholly or in part under their control, either in productive real estate or upon security thereof, or in public stocks or securities of the United Kingdom or of this Province; and that it is desirable to remove such doubt and to authorize the investment of such moneys in such buildings or other real estate as may be required for the actual use of such College, or department or branch thereof, or institution as aforesaid;— And whereas, by such their petition, they have prayed for the passing of an Act to amend the Acts touching the said Royal Institution for the Advancement of Learning and the said University, to the intents aforesaid: And whereas it is expedient to grant their said prayer: Therefore, Her Majesty, by and with the advice and consent of the Legislative Council and Assembly of Canada, enacts as follows:

20 V. c. 53.

1. The said Royal Institution for the Advancement of Learning, may agree with any holder of land heretofore alienated by them under authority of the Act firstly above mentioned, in consideration of an irredeemable ground rent (*rente foncière*) subject to increase as aforesaid, for redemption of such rent, on such terms as they may deem expedient, and may take in discharge thereof such redemption money as shall so have been agreed upon, and shall deal with such redemption money as though it were received in redemption of an ordinary ground rent.

Royal Institution may agree for redemption of certain *rentes foncières*.

2. The said Royal Institution for the Advancement of Learning may expend not more than two thousand five hundred pounds currency, from any capital now or hereafter in their hands, in discharge *pro tanto* of their present indebtedness incurred by reason of the re-building by them, in the year one thousand eight hundred and fifty-six, of Burnside Hall aforesaid.

May expend a certain amount in discharge of indebtedness for Burnside Hall.

3. Any moneys heretofore or hereafter received by the said Royal Institution for the Advancement of Learning on account of any real estate by them alienated or to be alienated, or on

Moneys received may be invested in real estate for

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their own use and occupation.

account of the capital of any ground rent, whether for McGill College aforesaid, or for any department or branch thereof, or for any Institution of Royal foundation wholly or in part under their control, may be by them invested in such buildings or other real estate as may be required for the actual use of such College or department or branch thereof, or institution, as the case may be.

Such investments to be included in annual report.

4. The said Royal Institution for the Advancement of Learning, shall at all times in their yearly statements of account rendered to the Governor of this Province, specially and in detail, state all such receipts and all such investments or re-investments as may have taken place under authority of this Act during the year covered by such statement.

Public Act.

5. This Act shall be deemed a Public Act.

CAP. LIV.

An Act to amend the Act for the qualification of Justices of the Peace.

[*Assented to 4th May*, 1859.]

Preamble.

WHEREAS it is not expedient that the Sheriffs and Coroners of other Districts in Lower Canada than those of Montreal and Quebec should be disqualified for acting as Justices of the Peace in and for the respective Districts; And whereas it is expedient to declare valid the acts of any Sheriffs of the new judicial Districts in Lower Canada who may inadvertently have continued to act as Justices of the Peace, and to relieve them from any penalties which they may have incurred by reason of their having so acted: Therefore, Her Majesty, by and with the advice and consent of the Legislative Council and Assembly of Canada, enacts as follows:

Act 6 V. c. 3, not to apply to Sheriffs and Coroners in L. C.

Exception.

1. Hereafter, the sixteenth section of the Act passed in the sixth year of Her Majesty's reign, and intituled, *An Act for the qualification of Justices of the Peace*, shall not apply to Sheriffs or Coroners in Lower Canada, except to the Sheriffs and Coroners of the Districts of Montreal and Quebec.

Acts done by Sheriffs in new Districts to be valid: and Sheriff not liable to any penalty.

2. Any act or proceeding done or taken since the twenty-sixth day of November, one thousand eight hundred and fifty-seven, under the authority of a Commission of the Peace, by the Sheriff of any of the new Judicial Districts in Lower Canada, shall be as valid and have the same effect as though the Act cited in the preceding section had never been passed; and no such Sheriff shall be held to have incurred any penalty by reason of any such act or proceeding.

CAP.

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CAP. LV.

An Act to make better provision for regulating the measurement of Coal, and for other purposes therein mentioned.

[*Assented to 4th May*, 1859.]

Preamble.

WHEREAS the laws now in force which regulate the measurement of coal are frequently productive of great trouble and difficulty, and give rise to many abuses and frauds, more especially with respect to measurement for the purpose of estimating cargoes and calculating the freight thereupon, and it is therefore expedient to make new provisions for such measurement, and to make further provisions for the benefit of owners of vessels engaged in the carriage of coal and other freight on certain waters of Lower Canada: Therefore, Her Majesty, by and with the advice and consent of the Legislative Council and Assembly of Canada, enacts as follows:

Part of Act of L. C. 6 W. 4, c. 36, repealed.

1. So much of the Act of Lower Canada, Sixth William the Fourth, Chapter thirty-six, regulating the measurement of coal, as defines the exact contents of a chaldron thereof, and regulates the dimension of the bushel by which the contents of such chaldron are to be ascertained, is hereby repealed.

Chaldron defined.

2. From and after the passing of this Act, the chaldron of coal shall contain thirty-six Imperial Winchester bushels.

Coal measures must be inspected and stamped.

3. Hereafter no tub or other measure shall be used for the purpose of measuring coal which shall not have been previously inspected by some one of the Inspectors of Weights and Measures appointed under the Acts in force in Lower Canada, relating to the inspection of weights and measures, and by him stamped or branded with the proper mark, after having been first compared and verified with and by the copies of the standard of the Imperial bushel or half bushel provided by law for that purpose; And all the provisions of the said Acts with respect to inspection and the enforcing thereof by penalties or otherwise, shall apply to the measures used for the measurement of coal.

Inspection Laws to apply.

Consignee bound to receive goods consigned, within a certain time.

4. Whenever any sailing vessel or steamer shall have arrived at its destination and the master thereof or his agent shall have notified the person to whom the freight is consigned or his agent, either by public advertisement or otherwise, that such freight has reached the place designated in the bill of lading, the person to whom the freight is consigned shall be bound to receive the same within twenty-four hours after notice to that effect shall have been given to him as aforesaid, and thereafter such freight, so soon as placed on the wharf either direct from the vessel or otherwise, shall be at the risk and charges of the consignee or owner.

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Time for discharging certain cargoes.

5. When the cargo of the vessel shall consist of coal, such coal shall be discharged at the rate of forty chaldrons *per diem;* When the cargo shall consist of metal the freight of which is estimated by the ton, not less than sixty tons shall in like manner be discharged daily; If the cargo consist of salt or grain, not less than two thousand minots shall be discharged daily; If it consist of salt in sacks, not less than one thousand sacks shall be discharged daily; If of sawed lumber, not less than fifty thousand feet shall be discharged daily; And if of bricks, not less than twenty-thousand of such bricks shall be discharged daily.

Proceedings under this Act to be summary, &c.

6. All proceedings for the recovery of fines and penalties imposed by this Act shall be had and taken before one or more Justices of the Peace, Superintendent of Police or Recorder, at the place at which the infraction of this Act shall have occurred, and shall be summary.

Public Act, and extent thereof.

7. This Act shall be a Public Act, and shall apply to Lower Canada only.

CAP. LVI.

An Act to enable County Municipalities in Lower Canada to recover the amount of certain assessments.

[*Assented to 4th May*, 1859.]

Preamble.

20 V. c. 44, recited.

WHEREAS the Act passed in the twentieth year of Her Majesty's reign, and intituled, *An Act to amend the Judicature Acts of Lower Canada*, provides, amongst other things, for the establishment of a Circuit Court in each of the Counties of Lower Canada, (other than the Counties excepted by the Act,) and that such Circuit Court may be so held in any County, under the restrictions imposed by the said Act, as soon as the Municipality of such County shall have provided proper accommodation for the Court and its Officers, "and made permanent provision for the maintenance of such accommodation;" Whereas by the same Act there is allowed to each County Municipality the sum of three hundred pounds towards building or procuring a County Court-house at a place to be approved by the Governor; Whereas the powers conferred upon County Municipalities for raising or providing for the recovery of any sums they may deem necessary to be added to the said three hundred pounds for the purpose of building a County Court-house, are not sufficiently indicated in the Municipal Acts; Whereas certain County Municipalities have passed By-laws for the erection of such County Court-houses; And whereas certain County Municipalities have imposed assessments payable by the Local Municipalities, for purposes connected with the interests of the public or of such Counties; And

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And whereas the Municipal laws of Lower Canada do not provide a prompt and easy method for the recovery of the same: Therefore, Her Majesty, by and with the advice and consent of the Legislative Council and Assembly of Canada, enacts as follows:

1. In any County Municipality in which land has been offered for the building of a County Court-house, and accepted by the Governor as the site thereof, and in which the Council shall have ordered and directed, or shall hereafter by By-law order and direct, the building of such Court-house on the said site, and have apportioned or shall hereafter apportion the sum payable, or hereafter to be payable, by each Local Municipality for such purpose, such By-law shall be definitive, and the assessment so imposed shall be obligatory upon such Local Municipality, and thenceforward the sum therein mentioned shall become a debt of such Local Municipality.

County By-law apportioning the sum to be paid by any Local Municipality, for a Court House, &c., to be binding.

2. It shall be the duty of the Secretary-Treasurer of the County Municipality, immediately after the passing of any such By-law by such County Municipality, to transmit a copy thereof to the Secretary-Treasurer of each Local Municipality affected thereby, and the Secretary-Treasurer of such Local Municipality shall, within two months after the day on which he shall have received the same, or within two months after the passing of this Act, if such By-law have been passed or adopted previous to the passing of this Act, prepare a special collection roll or assessment roll, as the case may be, based upon the valuation roll for such Local Municipality, and he shall, in the usual manner, calculate and insert the several assessments payable by each contributor, and the total amount due by each person in such Local Municipality, and in case he shall fail to do so within the said delay, the said Secretary-Treasurer of such Local Municipality shall be liable to a fine of not less than one hundred or more than two hundred dollars, recoverable at the suit of the County Municipality, before one or more Justices of the Peace, under an ordinary writ of summons.

Duty of the Secretary-Treasurer of the County and Local Municipality, respectively.

3. The Secretary-Treasurer of any Local Municipality affected by such By-law of a County Municipality, after he shall have prepared in the manner aforesaid the collection roll mentioned in the second section of this Act, shall be the collector of the same, and it shall be his duty to raise the amount of the assessment so imposed, in the manner provided by the seventy-fourth section of the Lower Canada Municipal and Road Act of 1855: and such Secretary-Treasurer shall be bound to render an account to the County Municipality of the collection of such moneys in the manner and under the penalties and suits provided by the seventy-fourth section of the Lower Canada Municipal and Road Act of 1855, and the Acts amending the same.

Local Secretary-Treasurer to collect the sums so apportioned.

And account for them to the County.

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Act to apply to all assessments for County works

4. The provisions of this Act shall apply to all assessments imposed by County Municipalities upon any Local Municipality, in matters relating to County interests, or for the purpose of making provision for any County works.

CAP. LVII.

An Act to legalize certain proceedings taken by Agricultural Societies in Lower Canada, and for other purposes.

[*Assented to 4th May*, 1859.]

Preamble.

20 V. c. 49.

20 V. c. 32.

WHEREAS certain irregularities have occurred in the election of the Officers of Agricultural Societies in Lower Canada, which took place at the period indicated by the Act twentieth Victoria, chapter forty-nine; And whereas an erroneous interpretation of the Act twentieth Victoria, chapter thirty-two, has caused certain Agricultural Societies in Lower Canada composed of more than forty persons, contributors to an amount exceeding twenty pounds currency, to be of opinion that the said Act rendered it unnecessary for them to subscribe to the declaration and form contained in Schedule A of the Act first above cited; And whereas it is expedient to extend the term limited for the organization of Agricultural Societies where such Societies have not already been organized in Lower Canada, and in consideration of the advantages which result from the proper working of the said Agricultural Societies: Therefore, Her Majesty, by and with the advice and consent of the Legislative Council and Assembly of Canada, declares and enacts as follows:

Elections held at the period mentioned in 20 V. c. 49,—declared valid.

1. Elections of officers of Agricultural Societies which have taken place in the different counties of Lower Canada at the period enacted by the Act twentieth Victoria, chapter forty-nine, are hereby declared valid, and the said officers shall be entitled to exercise all the powers, and to discharge all the duties, conferred and enumerated by the Act last cited and by the Act twentieth Victoria, chapter thirty-two, with reference to Agricultural Societies in Lower Canada; If however, in any County in which but one Agricultural Society ought to exist, two Societies have been organized in opposition one to the other, that Society which has been admitted by the Board of Agriculture shall be the legally organized Society, and shall enjoy all the rights and privileges conferred upon Agricultural Societies.

Proviso.

Societies so organized must make the declaration under the said Act.

2. The said Agricultural Societies organized as aforesaid in conformity with the provisions of this Act, shall nevertheless subscribe to the declaration in the form contained in the said Schedule A of the said Act twentieth Victoria, chapter forty-nine; and the said declaration shall then be deemed to be subscribed to in conformity with the provisions of the Act last above cited.

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3. Notwithstanding the provisions of the Act twentieth Victoria, chapter forty-nine, which enacts and provides that the election of the President, Vice-President and Directors should take place within the three first weeks of the month of January, one thousand eight hundred and fifty-nine, for the current year, it shall be lawful for the inhabitants of any County in Lower Canada, upon conforming to the other provisions of the Act last above cited, to organize an Agricultural Society, and to elect the President, Vice-President and Directors, at any meeting called for that purpose by the Warden or a Justice of the Peace in the County, upon the requisition of at least three persons entitled to vote at the election of the officers aforesaid.

Notwithstanding 20 V. c. 49, the inhabitants of a County may organize a Society and elect officers, in 1859.

4. If on the day and at the hour and place at which such meeting is to be held, the said Warden or Justice of the Peace be absent, any person selected by the majority of the persons present, and entitled to vote at such election shall preside, and shall discharge, in so far as concerns the said election and the Acts relating thereto, all the duties imposed upon the President of any such meeting.

Who shall preside at the meeting for such election.

5. The proceedings at such meeting shall be transmitted to the Board of Agriculture by the person who shall have presided thereat; and if such person shall neglect or refuse to transmit a report of the said proceedings to the Board of Agriculture, whether such proceedings shall have been had since the first day of January, one thousand eight hundred and fifty-nine, or shall be had after the passing of this Act in conformity therewith, it shall be lawful for not less than three persons who shall have been present at such meeting, to draw up a *procès-verbal* setting forth the result of such meeting, and giving the names of the officers elected for such Agricultural Society, whether the same be for a County or for the Division of a County, as the case may be; And the said *procès-verbal* shall be transmitted to the Board of Agriculture, and shall be considered to be an official report of the proceedings of such meeting; if however it be objected that the said report is false and irregular, the Board of Agriculture shall decide the matter in dispute, and its decision shall be final.

Proceedings to be transmitted to the Board of Agriculture.

6. The Agricultural Societies which have transmitted reports of the proceedings at their meetings to the Board of Agriculture, and of which the proceedings have been declared to be valid by the said Board of Agriculture, are hereby legalized notwithstanding any irregularities in such proceedings.

Societies which have transmitted reports legalized—notwithstanding irregularities

7. The Secretary-Treasurer of every Agricultural Society shall be bound to furnish security to the said Agricultural Society of which he is the Secretary-Treasurer, to the amount of two hundred pounds currency, to the satisfaction of the President and Vice-President of the said Society; and it shall not be lawful for him to receive any money from the Board or Bureau of Agriculture, without having first furnished a copy of such security to the Board of Agriculture.

Secretary-Treasurers of Socities to give security.

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Every County to be a County for Agricultural purposes.

8. All counties in Lower Canada, united for purposes of representation in the Legislative Assembly, shall, for all the purposes of Agriculture, be deemed separate counties, and shall enjoy all the rights and privileges conferred by the laws respecting Agriculture in force in Lower Canada, upon Counties not so united.

Returns to be made by 1st July.

9. All returns to be made by Agricultural Societies organized in virtue of this Act, shall be made to the Board of Agriculture upon or before the first day of July next.

Exhibitions may be annual or biennial.

10. So much of the said Act twentieth Victoria, chapter thirty-two, as requires that the Agricultural Association for Lower Canada shall hold an annual Fair or Exhibition, is hereby repealed, and henceforth the said association shall hold a Fair or Exhibition annually or biennially, reckoning from the date of its last Fair or Exhibition, as the Board of Agriculture for Lower Canada shall deem best.

Appointment of place for holding annual shows.

11. In case the Board of Officers and Directors of the Agricultural Society of any County or part of a County require the Municipal Council of such County to select a central and proper place in such County or part of a County at which the show of such society shall be held in each year thereafter, it shall be lawful for such Municipal Council at any of its General Quarterly Sessions after the first day of February, one thousand eight hundred and sixty, and it shall be the duty of such Municipal Council after that day at its first General Quarterly Session, after having been so required, to pass a By-law declaring its selection of such a place, and thereafter the annual show of such Agricultural Society shall always be held at such place.

Public Act—to apply only to L. C.

12. This Act shall be a Public Act, and shall apply to Lower Canada only.

CAP. LVIII.

An Act to amend the Law respecting Building Societies in Lower Canada.

[*Assented to 4th May*, 1859.]

Preamble.

12 V. c. 57.

WHEREAS under an Act passed in the twelfth year of the Reign of Her Majesty, intituled, *An Act to encourage the establishment of Building Societies in Lower Canada*, certain Building Societies have been established called Permanent Building Societies, which have in a great measure superseded those Societies called Terminating Building Societies, and are conducted on more certain and equitable principles than the said Terminating Building Societies, by enabling persons to become members thereof at any time for investment therein or to obtain the advance of their shares or share by giving security therefor,

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therefor, and to fix and determine with the said Society the time and amount which such members shall repay such advanced share or shares and obtain the release of the said security, without being liable to the contingency of losses or profits in the business of the said Society; And whereas doubts have arisen as to whether such Permanent Building Societies are within the meaning and intention of the said recited Act; And whereas it is expedient to remove such doubts and to encourage Building Societies established on the said Permanent principle: Therefore, Her Majesty, by and with the advice and consent of the Legislative Council and Assembly of Canada, enacts as follows:

Permanent Societies having fulfilled certain conditions, to be Societies within the said Act.

1. Any Permanent Building Society established, or hereafter to be established, under the said hereinbefore recited Act and the amending Acts thereto, and conducted on the principle hereinbefore mentioned, which shall have fulfilled and observed all the conditions necessary to be fulfilled and observed for the establishment of a Building Society under the said recited Acts, shall be and the same is hereby declared to be and to have been a Building Society within the meaning and intention of the said recited Acts, and to be and to have been entitled to all the powers, benefits and advantages of the said recited Acts; and any person or persons who shall have approved the Rules and Regulations of any such Building Society entered and recorded in a book, as in the fifth section of the said recited Act, passed in the twelfth year of Her Majesty's Reign, is required, and shall have subscribed his name as a shareholder for one or more shares, shall, from the time of such approbation and subscription, be and be deemed to have been a member or members of such Building Society; and the production of the book containing the rules for the management of such Society, kept as in the fifth section of the said Act is required, signed by such person, or by his duly authorized attorney, and duly witnessed, shall at all times and for all purposes be sufficient evidence of membership in such Building Society.

Who shall be deemed Members of such Societies.

Evidence of Membership.

How permanent Societies may pass or amend their By-laws.

2. It shall be lawful for any Permanent Building Society to alter, amend, repeal or create any Regulation, Rule or By-law for the working of the said Society at a public meeting of the members of such Society duly convened according to law and the Rules of such Society.

Amount to be borrowed by any such Society, limited.

3. Every such Society, by its Rules, Regulations and By laws authorized to borrow money, shall not, at any time after the passing of this Act, borrow, receive, take or retain, otherwise than in stock and shares in such Society, from any person or persons, any greater sum than three fourths of the amount of capital actually paid in on unadvanced shares and invested in real securities by such Society; and the paid in and subscribed capital of the Society shall be liable for the amount so borrowed, received or taken by any Society.

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Holders of shares fully paid up may withdraw or invest the amount.

4. When any share or shares in any Society shall have been fully paid up according to the rules of the Society, or shall have become due and payable to the holder thereof, then and in such case it shall be lawful for the holder of such share or shares, either to withdraw the amount of his share or shares from the said Society, according to the rules and regulations thereof, or to invest the amount of his said share or shares in the Society, and to receive therefrom, periodically, such proportion of the profits made by such Society as shall be provided for by a By-law to be passed for the purpose; and the amount of such share or shares so invested shall become fixed and permanent capital or shares in the said Society not withdrawable therefrom, but transferable in the same manner as other shares in the said Society.

Society may loan money on security of unadvanced shares, &c.

5. It shall be lawful for such Society to advance to members on the security of investing on unadvanced shares in the said Society, and to receive and take from any person or persons, or bodies corporate, any Real or Personal Security of any nature or kind whatever as Collateral Security for any advance made to members of the Society.

Society may hold real property for its occupation.

6. It shall be lawful for any Society to hold absolutely real estate for the purposes of its place of business, not exceeding the annual value of six thousand dollars.

Society not bound to see to trusts to which shares are liable.

7. Such Society shall not be bound to see to the execution of any trust, whether expressed, implied or constructive, to which any share or shares of its stock shall be subject; and the receipt of the party in whose name any such share or shares shall stand in the books of the Society, or if such share or shares shall stand in the name of more parties than one, the receipt of one of the parties shall, from time to time, be a sufficient discharge to the Society for any payment of any kind made in respect of such share or shares, notwithstanding any trust to which such share or shares may then be subject, and whether or not such Society shall have had notice of such trust; and the Society shall not be bound to see to the application of the money paid upon such receipt, any law or usage to the contrary notwithstanding.

What receipts shall be sufficient.

CAP. LIX.

An Act to amend the Acts authorizing the establishment of Mutual Fire Insurance Companies in Lower Canada.

[*Assented to 4th May*, 1859.]

Preamble.

WHEREAS it is expedient to amend the Act of Lower Canada, passed in the fourth year of the Reign of His late Majesty King William the Fourth, intituled, *An Act to authorize the establishment of Mutual Fire Insurance Companies*, and the Acts

4 W. 4, c. 33.

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Acts amending the same: Therefore, Her Majesty, by and with the advice and consent of the Legislative Council and Assembly of Canada, enacts as follows:

1. The freeholders and other persons residing in the City of Montreal may establish a Mutual Fire Insurance Company, for insuring property situated within the limits of the said City, and not elsewhere, under the name of "The Mutual Fire Insurance Company of the City of Montreal," and all the provisions of the said Act fourth William the Fourth, chapter thirty-three, and of the Acts amending the said Act, in so far as they are not inconsistent with this Act, shall apply to the said Company.

Company may be formed in the City of Montreal.

2. It shall be lawful for the Directors of the said Company, to declare during the year, and whenever it shall be necessary, the amount of assessment to be paid by the parties insured, to meet the expenses and losses of the said Company.

Assessments for paying losses may be declared at any time during the year.

3. The annual meeting for the election of the Directors of the said Company, shall be held on the second Monday in October, in each year, or on the following day if such second Monday be a holiday, and at an hour to be fixed by the Directors.

Annual meetings of Company.

CAP. LX.

An Act to authorize the making and maintenance of Roads through Indian Reserves in Lower Canada.

[*Assented to 4th May*, 1859.]

WHEREAS great inconvenience has been suffered from the want of authority to the Municipalities of Lower Canada to make and cause to be maintained public roads in the Indian Reserves of Lower Canada: Therefore, Her Majesty, by and with the advice and consent of the Legislative Council and Assembly of Canada, enacts as follows:

Preamble.

1. Whenever the Council of a County in which any Indian Reserve is situate in Lower Canada, or the Council of any local Municipality surrounding or contiguous to any such Reserve, shall by Resolution declare that it is necessary that any land set apart for a public road by the original survey of such Indian Reserve should be opened or kept open by such Municipality, it shall be lawful for such Council, through their road officers, to enter upon such road, and to cause the same to be maintained;—and whenever it shall be declared by a Resolution of any such Council, that it is expedient to take any part of an Indian Reserve for the purpose of opening a new road, it shall be lawful for such Council, after consent obtained from the Superintendent General of Indian Affairs, to enter upon the same in the manner prescribed by "The Lower Canada Municipal and Road Act of 1855," and the price at which any such land

Such Roads may be made under Resolution of the County Council with the consent of the Superintendent of Indian Affairs.

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land shall be valued shall be paid to the Superintendent General of Indian Affairs, for the use of the Tribe of Indians for which such land may be held in trust.

Statute Labour by Indians.

2. Any road in any Indian Reserve in Lower Canada brought under the control of a Municipality by the preceding section, may be maintained by Statute Labour, to be performed by the Indians of such Reserve, according to a By-law or By-laws passed by any such Municipality, and approved by the Superintendent General of Indian Affairs.

CAP. LXI.

An Act to detach from the County of Rouville the tract of land herein described, and to annex the same to the County of Bagot.

[*Assented to 4th May*, 1859.]

Preamble.

WHEREAS by a proclamation, dated the eighteenth day of January, one thousand eight hundred and fifty-nine, His Excellency the Governor General detached from the Parish of St. Césaire, in the County of Rouville, and annexed to the Parish of St. Pie, in the County of Bagot, for the purposes of the Ordinances and Acts mentioned in the said Proclamation, the tract of land hereinafter described; And whereas the resident freeholders of the said tract of land have, by petition to the legislature, prayed that the said tract of land may also be detached from the said County of Rouville and annexed to the County of Bagot, for all purposes whatsoever: Therefore, Her Majesty, by and with the advice and consent of the Legislative Council and Assembly of Canada, enacts as follows:

The tract of land described and detached from Rouville and annexed to Bagot.

1. From and after the passing of this Act, all that tract of land now in the County of Rouville, containing sixty arpents in front by twenty-eight arpents in depth, and bounded as follows, namely: on the west by the line which divides the lands in the *Rang St. Ours*, from those of the Yamaska River, on the north by the southern line of the lands of the *Rang L'Espérance*, on the east by the western line of the *Rang d'Elmire*, and on the south by the line which divides the land of André Monty from that of Charles Roy, and the land of Eusèbe Bienvenu from that of Jean Baptiste Codère, shall cease to form part of the said County of Rouville, and shall be annexed to and comprised in the County of Bagot, for purposes of representation in the Legislature, for municipal, judicial, and registration purposes, and for all other purposes whatsoever, as if it had always been a part thereof.

Public Act.

2. This Act shall be deemed a Public Act.

CAP.

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CAP. LXII.

An Act for the better regulation of the Harbors and Roadsteads in certain Municipalities in Lower Canada.

[*Assented to 4th May*, 1859.]

Preamble.

WHEREAS it is expedient to empower Municipal Councils in the Districts of Gaspé and Saguenay to make provision for the better regulation of Harbors and Roadsteads on the coasts of those Districts: Therefore, Her Majesty, by and with the advice and consent of the Legislative Council and Assembly of Canada, enacts as follows:

Certain County Councils may make By-laws respecting ballast grounds in Harbors.

1. In addition to the powers vested in County Councils by the Lower Canada Municipal and Road Act of 1855, and the Act amending the same, the Municipal Council of the Magdalen Islands and the Municipal Council of every County in the Districts of Gaspé and Saguenay shall have power to make By-laws for the purpose of defining the limits of ballast ground in each and every harbor and roadstead on the coast of or nearest to such Islands or County.

Or if no Council be organized, the Stipendiary Magistrate may do so.

2. In case no Municipal Council be organized in the Islands, or no County Council in any or either of the said Counties, it shall be the duty of the Stipendiary Magistrate in charge of the vessel employed by the Government for the protection of the fisheries in the Gulf of St. Lawrence, and he is hereby authorized and empowered to define the limits of ballast ground in each and every harbor and roadstead on the coast of or nearest to the said Islands or such county or counties, as the case may be.

Penalty for infraction; and how recoverable.

3. No ballast shall be discharged from any ship or vessel in any harbor or roadstead in which the limits of ballast ground have been so defined as aforesaid, except within such limits, under a penalty of not less than five dollars nor more than fifty dollars, recoverable by distress on summary conviction before the said Stipendiary Magistrate or any Justice of the Peace, from the master or owner of such ship or vessel, provided such limits have been previously, during the same voyage, pointed out to the master or other person in charge of such ship or vessel, as hereinafter mentioned.

Guardian may be appointed for each Harbor—his duties.

4. The Municipal Council or Stipendiary Magistrate as aforesaid, as the case may be, by whom the limits of ballast ground in any harbor or roadstead have been defined, may appoint a guardian of such harbor or roadstead, whose duty it shall be to board every ship or vessel arriving there in ballast as soon as possible after the arrival of such ship or vessel, and to point out to the master or other person in charge thereof, the limits of ballast ground in such harbor or roadstead, to cause all

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all such vessels to anchor within or remove into such limits and discharge their ballast there, if in his power so to do, and to prosecute for the recovery of all penalties incurred under this Act.

Limits defined by Stipendiary Magistrate to be in force until altered by Council.

5. In case a Municipal Council is organized in the said Islands or in any County in the said Districts after the limits of ballast ground have been defined in any harbor or roadstead on the coast of or nearest to such Islands or County, and a guardian thereof appointed as aforesaid by such Stipendiary Magistrate, such definition of limits shall remain in force, and such guardian shall remain in office, until new limits are defined and a new guardian is appointed by such Municipal Council.

Conviction to be summary.

Tackle, &c., of Vessel, liable for penalty.

6. The said Stipendiary Magistrate or any other Magistrate may convict summarily on the evidence of one witness, other than the informer, of any offence against the provisions of this Act; and the penalty, if not forthwith paid, may be levied on the tackle, apparel and furniture of the Vessel in respect of which it is incurred, under a warrant of distress from the convicting Magistrate.

Harbor Guardian may cause a Vessel to be removed, if the master will not.

7. The Harbor Guardian shall order the removal within the limits of ballast ground of any ship or vessel found discharging ballast in the harbor or roadstead beyond such limits; and upon the refusal or neglect of the master or person in charge of such ship or vessel to comply with such order within two hours, the Stipendiary Magistrate aforesaid may cause such ship or vessel to be so removed by the crew of the vessel under his own command, or the Harbor Guardian may cause her to be so removed by any means in his power.

CAP. LXIII.

An Act to amend the several Acts respecting the Corporation of the City of Quebec.

[*Assented to 4th May*, 1859.]

Preamble.

WHEREAS the Mayor, Councillors, and Citizens of the City of Quebec have, by their petition, represented that the several Acts for the government of the said City ought to be amended; And whereas it is expedient to amend the said Acts: Therefore, Her Majesty, by and with the advice and consent of the Legislative Council and Assembly of Canada, enacts as follows:

Act 22 V. c. 30, sect. 8, amended.

1. The words "twenty-sixth" and "twenty-seventh," in the eighth section of the Act twenty-second Victoria, chapter thirty, shall, from and after the passing of this Act, be replaced by the words following: The words "twenty-sixth" by the words "twenty-second,"

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"twenty-second," and the words "twenty-seventh" by the words "twenty-third."

2. The Corporation of the City of Quebec shall have a right of appeal from the judgments of the Recorder's Court of the said City, when they deem themselves aggrieved by any such judgment or judgments, in the same manner as any other person may now appeal from the said judgments, and they shall be subject to the same formalities, any thing in the eleventh section of the said Act, or in any other Act, for the government of the said City to the contrary notwithstanding.

Corporation may appeal from judgments of Recorder's Court.

3. Whenever any party against whom judgment shall have been rendered in the Recorder's Court of the said City, shall not have, within the limits of the jurisdiction of the said Court, sufficient goods and chattels to satisfy the said judgment in principal, interest and costs, but shall have lands or tenements, a writ *de terris* shall issue from the said Court, under the seal of the said Court and signed by the Clerk thereof, which said writ shall be made returnable to the Superior Court in the City of Quebec, and shall be directed to the Sheriff of the District, within which such lands may be situate, and such writ shall be executed by such Sheriff, as if it were a writ of execution issued from the Superior Court and in the same manner, and according to the same rules and regulations of law, and the said writ shall be by such Sheriff, with his proceedings thereon, duly returned into the Superior Court for Lower Canada sitting in and for the District of Quebec, and all ulterior proceedings of what kind soever, consequent upon the issuing of such writ, or necessary for the execution thereof, as well with regard to Plaintiff and Defendant, as with regard to other parties who, in due course of law, may have intervened by opposition or otherwise, shall be had in the said Superior Court, as effectually and in the same manner as if the cause in which such writ shall have issued had been originally brought and determined in the said Superior Court: Provided always that the said writ *de terris* shall not issue for a sum less than forty dollars.

Writ of *Fi. Fa. de Terris* may issue in certain cases on judgments in Recorder's Court.

Proceedings thereon.

Proviso.

4. The said Corporation, incorporated under the name, style, and designation of the "Mayor, Councillors, and Citizens, of the City of Quebec," are hereby authorized, and it shall be lawful for them, in order to consolidate their debt, to borrow a sum of seventy-five thousand pounds currency, over and above any sum which they are authorized to borrow in virtue of the Acts for the government of the said city; but the said Corporation shall not thereafter under any pretext be deemed capable of increasing their debt beyond the amount which they are authorized to borrow on debentures by the said Acts and by this Act; and the Treasurer of the said City shall, at the period already fixed by law, take from and out of the annual revenues and funds of the said Corporation a sum of money equal to two and half per cent on the above mentioned seventy-five thousand pounds

Corporation may consolidate their debt by loan.

But shall not thereafter increase their debt.

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pounds which said sum shall be added to the existing sinking fund and be invested as the said fund towards the extinction of the aforesaid portion of the debt of the said City, and he shall be bound to comply herewith under the same penalty as is enacted for failure to comply with the provisions respecting the existing sinking fund; Provided, nevertheless, that the said Corporation shall not hereby be deemed to be deprived of the right possessed by every Municipal Corporation, of taking advantage of the Municipal Loan Fund; Provided also, that nothing contained in this Act, or any Act for the government of the said City, shall prevent the Corporation from purchasing and acquiring all lots of land, or other real or immoveable property, or property considered as such, by any Act for the government of the said City, for the opening of new streets, lanes, squares, market-places, or highways, or for other purposes of public utility; but before purchasing or acquiring any such property, the said Corporation shall conform themselves to the proviso of the sixty-first section of the Act eighteenth Victoria, chapter one hundred and fifty-nine.

Proviso.

Proviso.

18 V. c. 159.

Assessment not to be reduced by Mayor or Council, but only by Recorder's Court.

5. After the passing of this Act it shall not be lawful for the Corporation of the said City, or for the Mayor, or for any committee of the said Corporation, to reduce the amount of any assessment due or payable to the said Corporation; but the Recorder's Court of the said City shall have exclusive jurisdiction in this respect, as provided by the Act twenty-second Victoria, chapter thirty.

Addition to Act 18 V. c. 159, sect. 51, paragraph 2.

Further powers of taxation granted to the Corporation.

6. The second sub-section of the fifty-first section of the Act eighteenth Victoria chapter one hundred and fifty-nine, is hereby amended by adding the following words before the proviso: "And also, on all houses of public entertainment, and on merchants and dealers, and the agents of all such resorting to, or residing in the City, to take or receive orders therein, or to sell therein, by or according to sample, contract, or agreement, or in any other manner or way whatsoever, and on all petty chapmen within the City; and on all agents, managers, or keepers of theatres, circuses, or public entertainments, exhibitions, or shows of any kind; on all agents of bankers or banks, and the premises occupied by all such; on all forwarding merchants or forwarders, and the agents of all such, and all premises occupied by them; on all agents of brokers or of money changers, and the premises occupied by them; on all agents of, or for any Insurance Company or Companies in the said City, and all premises occupied by such Insurance agent or agents of or for any such Company or Companies in the said city; on all agents of merchants residing in any other city or place in this said Province, or elsewhere; on all telegraph Companies, and the agents of all such in the said City; on all traders and manufacturers, and the agents of all such in the City of Quebec; on all brewers, distillers, or soap and candle manufacturers; on all camphine and

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and other oil manufacturers; on all root beer brewers, and the agents and agencies of any and all such; on all brick manufacturers, and on the proprietors or keepers of wood yards; on all proprietors or keepers of tanneries or slaughter houses in the city; on all inspectors of pot or pearl ashes, of beef, pork, flour, butter, or other produce, articles, effects or things whatsoever, in the said city; and generally on all trades, manufactures or arts, which now are, or may hereafter be carried on, exercised, or in operation in the city; on all persons by whom the same are or may be carried on, exercised, or put in operation therein, either on their own account, or as agents for others; and on the premises wherein or whereon the same are or may be so carried on, exercised, or put in operation."

Corporation declared to have power to impose fines, &c., in certain cases.

7. The said Corporation of the City of Quebec now has and always has had the power not only to impose fixed fines or imprisonment or both in the cases mentioned in the Acts for the government of the said city, but moreover of leaving to the Recorder's Court, or to any other Court mentioned in the said Acts, the care and duty of proportioning the punishment to the gravity or frequency of the offence, within the limitations mentioned in the said Acts.

Council may make By-laws for its internal management.

8. The Council of the City of Quebec at any meeting or meetings of the said Council, at which meeting two-thirds at least of the members of the said Council are present, may make one or more by-laws for the internal management of the said Council, and the twenty-second sub-section of the fifty-first section of the said last cited Act shall apply to each and every of the said by-laws.

The exercise of certain powers not to affect the election of Mayor or Councillor exercising them.

9. During each day of the voting of the municipal electors of the city of Quebec for the election of the Mayor, or of one or more or all the Councillors, or of the Mayor and of one or more or all the Councillors of the said city, the Mayor, or in his absence from the place of voting, any councillor appointed by the Mayor to take his place at the said place of voting, shall have all the rights and powers mentioned in the twenty-fifth section of the said last cited Act, and no act of the said Mayor or Councillor, in virtue of this section, or of the said twenty-fifth section above referred to, shall have the effect of preventing the said Mayor or Councillor from being elected Mayor or Councillor at such election.

Corporation may order census to be made by Assessors.

10. The said Council has and shall have power by any By-law passed for that purpose, in the ordinary form, at least two-thirds of the members of the said Council being present, to order that the assessors appointed by the said Council shall annually, and at the same time as they make the assessment of the properties, make a census of the population of the said city; and the assessors shall be bound to conform themselves to the

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said order, subject to the penalties imposed as regards the execution of their other duties.

Proviso added to sect. 9 of 18 V. c. 159.

To what value property must be assessed in order to give the right of voting in certain cases.

11. The following proviso is hereby added to and shall form part of the ninth section of the said last cited Act: "Provided always, that no assessed property shall give as aforesaid the right of voting for Mayor or Councillors of the City of Quebec to the proprietor or to each proprietor thereof, unless it shall represent for each of them an annual value of at least eight dollars, nor to the occupant, tenant or usufructuary, nor to each occupant, tenant or usufructuary thereof, unless it shall represent for each of them an annual value of at least thirty-two dollars; and provided also, that the payment of the capitation tax, mentioned in the said last cited Act, shall not confer the right of voting aforesaid."

Addition to sect. 6 of 22 V. c. 30.

12. The following words shall be added to and form part of the sixth section of the Act twenty-second Victoria, chapter thirty: "And is at least twenty-one years of age."

Doubts under Water Works Acts, removed.

13. Doubts having arisen on the interpretation of the word "store" (*magasin*) in the Acts respecting the Water Works of the said City, it is enacted that hereafter the signification of the word "store" (*magasin*) in the said Acts shall be "the buildings used for the storing and selling of goods by wholesale."

Mayor a Member of the Council.

14. The Mayor of the said city is and always has been a member of the said Council.

Public Act.

15. This Act shall be deemed a Public Act.

CAP. LXIV.

An Act to incorporate the Town of Iberville.

[*Assented to 4th May*, 1859.]

Preamble.

WHEREAS a great number of the inhabitants of the village of Christieville have represented that it is desirable that the said Village be incorporated as a Town, under the name of Iberville; And whereas the population of the said village, amounting to nearly two thousand souls, is not sufficient to enable the said incorporation to be effected under the Lower Canada Municipal and Road Act: Therefore, Her Majesty, by and with the advice and consent of the Legislative Council and Assembly of Canada, enacts as follows:

Town of Iberville incorporated.

Corporate name and powers.

1. From and after the passing of this Act, the inhabitants of the Town of Iberville as hereinafter described and their successors shall be and are hereby declared to be a body politic and corporate, in fact and in law, by the name of the "The Mayor and Council of the Town of Iberville" and separated from the County

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County of Iberville for all Municipal purposes, and by the same name they and their successors shall have perpetual succession, and shall have power to sue and be sued, implead and be impleaded, answer and be answered unto, in all Courts and in all actions, causes and suits at law whatsoever, and shall have a Common Seal, with power to alter and modify the same at their will and pleasure ; and shall be in law capable of receiving by donation, acquiring, holding and departing with any property, real or moveable, for the use of the said Town ; of becoming parties to any contracts or agreements in the management of the affairs of the said Town ; and of giving or accepting any notes, bonds, obligations, judgments, or other instruments or securities, for the payment of, or securing the payment of any sum of money borrowed or loaned, or for the execution or guaranteeing the execution of any duty, right or thing whatsoever.

Boundaries of the Town.

2. The said Town of Iberville shall be bounded as follows, that is to say : On the west by the middle of the river Richelieu ; on the north for a distance of about seventeen arpents, by a lot of land belonging to William McGinnis, Esquire, and for a distance of about seven arpents, by a lot of land belonging to Vincent Thuot, continuing in a straight line from west to east ; on the east by the west side of the line of the second concession of the Seigniory De Bleury ; on the south by a lot of land belonging to John Miller.

Mayor and Councillors to be elected.

3. There shall be elected, from time to time, in the manner hereinafter mentioned, a fit and proper person who shall be and be called the Mayor of the Town of Iberville, and six fit persons who shall be and be called the Councillors of the Town of Iberville ; and such Mayor and Councillors for the time being shall form the Council of the said Town, and shall be designated as such, and shall represent for all purposes whatsoever the Corporation of the Town of Iberville.

Qualification of Mayor.

4. 1. No person shall be capable of being elected Mayor of the Town of Iberville, unless he shall have been a resident householder within the said Town for one year before such election, nor unless he be possessed to his own use, in his own name or in the name of his wife, of real estate, within the said Town, of the value of one thousand dollars, after payment or deduction of his just debts ;

Qualification of Councillors.

2. No person shall be capable of being elected a Councillor of the said Town, unless he shall have been a resident of the said Town for one year before such election, nor unless he be possessed to his own use, in his own name or in the name of his wife, of real estate, within the said Town, of the value of four hundred dollars, after deduction of his just debts ;

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Further qualifications.

3. No person shall be capable of being elected Mayor or Councillor of the said Town of Iberville, unless he be a natural-born or naturalized subject of Her Majesty, and of the full age of twenty-one years;

Who may not be Mayor or Councillor.

4. No person being in Holy Orders, or the Ministers of any religious belief whatever, the Members of the Executive Council, nor Judges of the Court of Queen's Bench or of the Superior Court, Sheriffs or officers of any of the said Courts, nor officers on full pay in Her Majesty's army or navy, or salaried civil officers, nor any person accountable for the revenues of the said Town, or receiving any pecuniary allowance from the Town for his services, nor any officer or person presiding at the election of the Mayor or the Councillors, while so employed, nor any person who shall have been convicted of treason or felony in any Court of law within any of Her Majesty's dominions, nor any person having in person or through his partner, any contract whatever, or interest in any contract with or for the said Town, shall be capable of being elected Mayor or Councillor for the said Town; Provided always, that no person shall be held incapable of being elected Mayor or Councillor for the said Town, from the fact of his being a shareholder in any incorporated Company, which may have a contract or agreement with the said Town;

Proviso.

Who shall not be bound to accept the said offices.

5. The following persons shall not be obliged to accept the office of Mayor or Councillor of the said Town, nor any other office to be filled by the Council of the said Town, viz: Members of the Provincial Legislature, practising Physicians, Surgeons and Apothecaries, Schoolmasters actually engaged in teaching, persons over sixty years, and the Members of the Council of the said Town, at the time of commencement of the present Act, or who have been so within the two years next preceding, and the persons who shall have fulfilled any of the offices under such Council, or paid the penalty incurred for refusal to accept such office, shall be exempt from serving in the same office, during the two years next after such service or payment.

Who may vote at elections.

6. The persons entitled to vote at the Municipal Elections of the said Town shall be the male inhabitant freeholders and householders of the age of twenty-one years, and residing therein, possessed at the time of real property in the said Town, of the yearly value of four dollars, and tenants of the age of twenty-one years, who shall have resided in the said Town, and paid rent during the year immediately preceding the election, on a dwelling-house or part of a dwelling-house, at the rate of not less than eighteen dollars currency per annum; Provided always, that no person qualified to vote at any Municipal Election in the said Town shall have the right of having his vote registered, unless he shall have paid his Municipal and School taxes due before such election; and it shall be lawful for

Proviso: voter must have paid his taxes, and the re-

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for any candidate at the said election and the person presiding over the said election, to require the production of the receipts, setting forth the payment of such assessment so due as aforesaid.

ceipt may be demanded.

6. The Mayor and Councillors of the said Town who are at present in office, shall remain in office until the elections which are to take place by virtue of this Act, and all By-laws, ordinances, agreements, dispositions and engagements whatever, passed and entered into by the Municipal Council of the Village of Christieville, shall continue to have full and entire force to all intents and purposes as though this Act had never been passed, and until such time as the said By-laws, agreements or engagements shall be formally rescinded, abolished or fulfilled, and the said Corporation, as constituted under this Act, shall succeed and be substituted for all purposes whatsoever, in the engagements, rights and trusts of the Municipal Council of the Village of Christieville, as heretofore constituted.

Mayor and Councillors now in office to remain until elections are held under this Act.

Present By-laws to remain in force until altered, &c.

7. The municipal elections for the said Town, in virtue of this Act, shall be held in the month of January in each year, and public notice thereof shall be given at least eight days previous to such election in the French language, by notices posted up at the doors of the churches, and in the market of the said Town, and read at the door of the Catholic Church in the said Town, at the issue of Divine service in the morning of the Sunday preceding the election; and the said notice shall be signed for the first election in virtue of this Act, by the Registrar of the County of Iberville, whose duty it shall be to preside at the said first election, and for all subsequent elections, the said notice shall be signed by the Mayor or the Secretary-Treasurer of the said Council, and shall specify the day, place and hour upon which the said elections are to take place.

When the municipal elections shall be held: notice thereof.

Who shall preside.

8. It shall be the duty of the Registrar of the County of Iberville to preside at the election which shall take place in the month of January next, and the poll shall be open for the reception and registration of votes from nine of the clock in the forenoon until four of the afternoon of the day appointed for the said election, provided the election shall not have taken place by acclamation; and at the said election each elector shall be entitled to vote for six Councillors, and shall be entitled at the same time to vote for a Mayor of the said Town; and at the closing of the poll, the said Registrar shall declare the six persons who shall have obtained the greatest number of votes as Councillors to be duly elected Councillors of the said Town, and the person who shall have obtained the greatest number of votes as Mayor to be duly elected Mayor of the said Town, and in case the candidates have an equal number of votes, the Registrar shall give his casting vote:

Registrar to preside at the first election.

Mode of voting.

Mayor to be elected at the same time, &c.

Casting vote in case of a tie.

2. If the votes of all the electors present have not been polled by the hour of four in the afternoon of the first day of the said meeting,

Voting may continue two

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days if one be insufficient.

meeting, the person presiding shall adjourn the proceedings thereof to the hour of nine in the forenoon of the following day, when he shall continue to take down the votes; and he shall close the election at the hour of four in the afternoon of the second day and shall then declare duly elected Councillors and Mayor, such of the candidates as shall be entitled to be so declared elected;

Poll to be closed if no vote be given for one hour.

3. Provided always, that if at any time after the votes have commenced to be polled, either on the first or on the second day of the said election, one hour elapse without any vote being polled, it shall be the duty of the person presiding to close the said election and declare duly elected as Councillors and Mayor, such candidates as shall be entitled to be so declared elected; Provided also, that no person shall have been within the last hour prevented from approaching the poll by violence, of which notice shall have been given to the person presiding;

Proviso.

Duration of office of Mayor and Councillors

4. The Mayor shall be elected for one year only, and shall remain in office until his successor shall have been appointed; the Councillors elected at any of the Municipal elections shall remain in office during two years, except those who shall have been elected at the first election, of whom three shall retire from office at the expiration of the first year, and it shall be declared by lot in the manner established by the Council, which of the Councillors shall thus retire from office at the end of the first year;

How subsequent elections shall be conducted.

5. The subsequent annual elections of a Mayor and of three Councillors for the said town shall take place in the same manner and within the same delays as the first, with the exception, however, that the said elections, instead of being presided over and conducted by the Registrar, shall be so by one of the members of the Council, who shall not retire from office, and who shall be appointed by the Council one month previous to the time fixed for the said election, and the said Councillor shall make a proclamation of the persons elected in the same manner, at the same hour, and in the same place as the Registrar for the first election, and the said Councillor, for all purposes relating to elections, shall have the same powers and the same duties as the Registrar for the first election;

Powers of persons presiding and his deputies.

6. The person who shall preside at an election shall, during such election, be a conservator of the peace, and shall be invested with the same powers for the preservation of the peace, and the apprehension, imprisonment, holding to bail, trying and convicting violators of the law, as are vested in the Justices of the Peace, and this, whether the said person presiding do or do not possess the property qualification of a Justice of the Peace, as required by law, and it shall be lawful for the person so presiding to appoint special constables in sufficient numbers to preserve peace at the said election, if he shall think it necessary or be required so to do by five electors.

9.

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9. 1. The person presiding at any such election shall, within two days from the closing of the election, give to the Mayor and each of the Councillors so elected, special notice of their said election, as well as of the place, the day, and the hour appointed by him for the first meeting of the Council to take place after their said election; the Mayor and Councillors so elected shall enter respectively into office as such, at the said first meeting, and shall remain in office until the appointment of their successors:

Notice of first meeting of Council.

Entry into office.

2. The person so presiding at any such election shall deliver up immediately to the Secretary-Treasurer of the Town Council, if such officer exist, and if not, then as soon as the said officer shall be appointed, the Poll Books kept at such Election, together with all other papers and documents relating to the said election, certified by himself, to form part of the records of the said Council, and copies of the same, certified by the Secretary-Treasurer, shall be valid in any Court of Justice;

Poll books, &c., to be delivered up to the Secretary-Treasurer, &c.

3. The first session of the Council, after the first election, shall take place within eight days immediately following the said election, and at such meeting the Mayor and Councillors elected shall take the following oath before a Justice of the Peace:

First sitting: Mayor and Councillors to take oath of office.

"I, A. B., do solemnly swear faithfully to fulfil the duties of "member of the Council of the Town of Iberville, to the best "of my judgment and ability: So help me God."

The oath.

And the members then present, provided they form a majority of the Council, shall be authorized to act as the Council, and all members absent without just cause shall be held to have refused the office, and shall be liable to the fine hereinafter provided for in like cases, unless they be persons who are exempted from serving;

Majority then present may act, others to be fined.

4. The Mayor and Councillors elected at the elections subsequent to the first, shall enter into office on the day of their nomination, and a meeting of the Council shall take place within eight days after, in the same manner as after the first election, and the Mayor and Councillors elected shall take the same oath, and those absent without just cause shall be held to have refused the office, and shall be liable to the penalty hereinafter provided in such cases, unless they be persons who are exempted from serving;

When the Mayor elected after first election shall go into office.

5. Four members of the Council shall constitute a quorum;

Quorum.

6. The expenses of every election shall be defrayed out of the funds of the Corporation.

Expenses.

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In case the Mayor or Councillors refuse to act.

10. 1. In any case in which one of the persons elected shall refuse to act as Mayor or Councillor, or in case his election being contested shall be declared null, the electors of the town shall proceed to a new election, and elect a person to replace the said Councillor within one month after the said refusal shall have been made known, or that the said election shall have been declared null; and if it be the Mayor who shall refuse to accept, or whose election shall have been declared null, the electors of the town shall proceed to a new election for such Mayor, within the same delay, and in that case the poll shall be held at the town hall, or office of the town only, and the said election shall be conducted in the same manner as annual elections:

If the Mayor refuses, &c.

In case of the absence, death or incapacity of Mayor or Councillors.

2. In case of the death of the Mayor or a Councillor, or in case of his absence from the town, or incapacity of acting as such, either from infirmity, sickness, or any other cause, during three calendar months, the other Councillors, at the first meeting of the Council which shall take place after such decease, or at the expiration of the said period of three months, shall appoint from amongst the inhabitants of the town another Mayor or Councillor to replace the Mayor or Councillor so deceased, absent, or rendered incapable, as above mentioned; Provided however, that notwithstanding the decease, absence, or inability to act, of the said Mayor, or the said Councillor, the remaining Councillors shall continue to exercise the same powers and fulfil the same duties which they would have had to exercise or fulfil, had not such decease, absence or inability to act on the part of the said Mayor or Councillor, taken place;

Proviso: remaining Councillors empowered to act.

Duration of office.

3. Every Mayor or Councillor so elected or appointed to replace another, shall remain in office for the remainder of the time for which his predecessor had been elected or appointed, and no longer.

Presiding officer at election to take oath.

11. Before any person shall proceed to hold an election in conformity with this Act, he shall take the following oath, which any Justice of the Peace residing in the said town is hereby authorized to administer, that is to say:

The oath.

"I do solemnly swear that I will faithfully and impartially, "to the best of my judgment and ability, discharge the duties "of Presiding Officer at the election which I am about to hold "for persons to serve as members of the Town Council of Iber-"ville: So help me God."

Presiding officer to examine candidates upon oath as to qualification, if required so to do.

12. The officer presiding at any election under this Act shall have authority, and he is hereby required, at the request of any persons qualified to vote at such election, to examine on oath (*or* affirmation, *when the party is allowed by law to affirm*) any candidate for the office of member of the said Town Council, respecting his qualification to be elected to the said office; and

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and shall also have authority, and he is hereby required, upon such request as aforesaid, to examine upon oath (*or* affirmation), any person tendering his vote at any election, and the oath to be administered by the presiding officer in both cases shall be in the form following :

The oath.

" You shall true answer make to all questions put to you by " me in my capacity of Presiding Officer at this election, res- " pecting your qualification to be elected a member of the " Town Council, (*or* respecting your qualification to vote at " this election, *as the case may be*) : So help you God."

May put other questions.

And the presiding officer shall himself put the questions which he shall deem necessary.

False swearing to be perjury.

13. If any person being examined upon oath or affirmation under this Act as to his qualification to be elected or to vote, shall wilfully forswear himself, he shall be deemed guilty of wilful and corrupt perjury, and on conviction thereof, shall be subject to the same penalties as in other cases of wilful and corrupt perjury.

Times and places of meeting of the Council.

14. The said Town Council shall meet at least once in each month for the transaction of the business of the said town, and shall hold their sittings in the Town Hall or in any other place in the said town which shall have been set apart for the purpose, either temporarily or permanently ; Provided always, that one or several members, not sufficient to form a quorum, may adjourn any meeting of the Council which may not have taken place for want of a quorum, and such members, though not forming a quorum, are hereby authorized to compel the attendance of absent members at the regular or adjourned meetings as aforesaid, and to impose such penalties upon such absent members for a repetition of the offence, as may be provided by any By-law of the said Town Council for that purpose.

Proviso : as to adjournments and penalties for non-attendance.

Mayor may call special meetings.

15. It shall be lawful for the Mayor of the said Town, whenever he shall deem it necessary or useful, to call special meetings of the said Council, and whenever two members shall be desirous of obtaining such special meetings, they shall apply to the Mayor to call such meeting, and in the absence of the Mayor, or on his refusal to act, they may call such meeting themselves, on stating in writing to the Secretary-Treasurer of the said Council, their object in calling such special meeting, and the day on which they are desirous that it shall be held ; and the said Secretary-Treasurer shall, upon receipt of such written notification, communicate the same to the other members of the Council.

And in case of his absence or refusal.

Decision of contested elections by Circuit Court.

16. 1. If the election of all, or of one or more of the Councillors be contested, such contestation shall be decided by the Circuit Court in and for the District of Iberville :

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Who may contest;

2. Every such election may be so contested by one or more of the candidates, or at least ten of the electors of the said town;

And how.

3. The said contestation shall be brought before the Court, by a petition signed by the petitioner or petitioners, or by any Attorney duly authorized, setting forth in a clear manner the grounds of such contestation;

Form of proceedings.

4. A true copy of the petition, with a notice stating the day on which the said petition will be presented to the Court, shall be first duly served upon the Mayor, Councillor or Councillors whose election is contested, at least eight days before the day on which the said petition shall be presented to the Court; and a return of the service shall be drawn up and signed in due form upon the original of the said petition, by the Bailiff who shall have made such service; but no such petition shall be received after the term next following the election thereby contested, unless such election took place within the fifteen days next preceding the first day of such term, in which case any such petition may be presented on the first day of the second term, but not later; nor shall any such petition be received, unless security for costs be given by the petitioners in the presence of a judge of the Superior Court, or of the Clerk of the Circuit Court for the said District of Iberville, or his Deputy;

Time for contesting limited.

Court may proceed in a summary manner.

5. If the Court be of opinion that the grounds set forth in the petition are sufficient in law to void the election, it shall order proof to be adduced, if proof be necessary, and the parties interested to be heard, on the nearest day which it shall deem expedient, and shall proceed in a summary manner to hear and decide the said contestation; the evidence may be taken down in writing or given orally in whole or in part, as the Court shall order;

Evidence.

What may be declared by the judgment.

6. The Court may, on such contestation, confirm the election or declare the same to be null and void, or declare another person to have been duly elected, and may, in either case award costs to or against either party, which costs shall be taxed and recovered in the same manner, and by the same means, as costs are taxed and recovered in actions of the first class, with right of appeal, brought in such Circuit Court; and the Court may order its judgment to be served upon the Secretary-Treasurer of the Council, at the expense of the party condemned to payment of costs, as aforesaid;

With respect to defects or irregularities.

7. If any defect or irregularity in the formalities prescribed for the said election be set forth in any such petition, as a ground of contestation, the Court may admit or reject the objection, according as such defect or irregularity may or may not have materially affected the election.

In case any annual muni-

17. In case it shall at any time happen that an Annual Municipal Election shall not be held, for any reason whatever, on

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on the day when, in pursuance of this Act, it ought to have been held, the said Town Council shall not, for that cause be deemed to be dissolved, and it shall be the duty of such members of the said Council as shall not have retired from office to meet again, for the purpose of fixing as early as possible a day for the holding of such Annual Municipal Election; and in such case, the notices and publications required by this Act shall be published and posted up not less than one clear day before the election; and if within fifteen days after the day on which such election ought to have been held, the members of the said Council shall have neglected to appoint a day for such election, they shall be liable to a fine of twenty dollars each, and such election shall then be held by the Registrar; And if it be the first election which has not taken place, then it shall be the duty of the Registrar to have it take place within the shortest possible delay.

cipal election shall not be held.

18. The said Council shall have power to punish by imprisonment not exceeding fifteen days, or by a fine which shall not exceed, but may be less than forty dollars currency, any Councillor who may be guilty of serious disturbance or violence during its sittings, either by action, by word or in any other manner whatsoever.

Power to Council to impose penalties and imprisonment.

19. All meetings of the said Council shall be public, excepting only when the said Council shall inquire into the conduct of any members of their own body, for any causes whatsoever, in which case it shall be lawful for the said Council to sit with closed doors; And the said Council shall determine the mode of their proceedings, and shall have power to cause order to be observed by persons present during their sittings, and to punish by fine and imprisonment, or by one or the two, any contempt committed by any such persons present; Provided always, that no such fine shall exceed the sum of twenty dollars currency, and that no such imprisonment shall exceed the period of fifteen days.

Meetings to be public.

Certain other powers of Council.

Contempts.

Proviso.

Fines limited.

20. The Sheriff and Gaoler of the District of Montreal, and those of the District of Iberville, when there shall be a Gaol in the latter District, shall be bound, and they are hereby authorized and required to receive and safely keep until duly discharged, all persons committed to their charge by the said Town Council, or any member or officer thereof under the authority thereof.

Duties of Sheriff and Gaoler.

21. The Mayor of the said Town, if he is present, shall preside at the meetings of the Council, shall maintain order thereat, and shall have a right to express his opinion, but not to vote, on all questions which shall be brought before the said Council; Provided always, that when the said Councillors, after having voted on any question, shall be found to be equally divided, then, and in that case only, the Mayor shall decide the

Mayor to preside at Council meetings, and to have casting vote, but neither he nor the Councillors to have any pay as such.

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the question by his vote, giving his reasons for it if he thinks proper; and neither the Mayor nor the Councillors shall receive any salary or emoluments from the funds of the town during the time they shall remain in office; Provided also, that whenever the Mayor shall not be present at any regular or special meeting of the said Town Council, the Councillors present shall choose one of their number to fill the place of the Mayor during the sitting.

Proviso.

Secretary-Treasurer appointed.

22. 1. The Council at its first general meeting, or at a special meeting, held within fifteen days, which shall follow the first day of such general meeting, shall appoint an officer who shall be called the "Secretary-Treasurer of the Town of Iberville:"

Duties of Secretary-Treasurer.

2. The Secretary-Treasurer shall be the custodier of all the books, registers, valuation rolls, collection rolls, reports, *procès-verbaux*, plans, maps, records, documents and papers kept or filed in the office or archives of the Council; he shall attend all sessions, and shall enter, in a register kept for the purpose, all the proceedings of the Council, and he shall allow persons interested therein to inspect the same at all reasonable hours; and every copy or extract of or from any such book, register, valuation roll, collection roll, report, *procès-verbaux*, plan, map, record, document or paper, certified by such Secretary-Treasurer, shall be deemed authentic;

His certificate to make certain documents authentic.

Security to be given by him.

3. Every person appointed Secretary-Treasurer shall, before acting as such, give the security hereinafter mentioned;

Sureties, and for what bound.

4. He shall furnish two sureties, whose names shall be approved by a resolution of the Council, before they shall be admitted as such; all such sureties shall be jointly and severally bound together with the Secretary-Treasurer, and their obligation shall extend to the payment of all sums of money for which the Secretary-Treasurer may at any time be accountable to the Corporation, including principal, interest and costs, as well as the penalties and damages to which he shall become liable in the exercise of his office;

Security bonds.

5. Every such security bond shall be made by an Act before a Notary, and accepted by the Mayor, and it shall be the duty of the Secretary-Treasurer to transmit to the Mayor a copy of the same;

To be registered: and its effects when registered.

6. Every such security bond, when duly registered in the registry office for the County of Iberville, shall carry with it a hypothec (*hypothèque*) only on such immoveable property as shall have been therein designated; and it shall be the duty of the Chief Officer of the Council to cause it to be registered immediately on receipt thereof;

7.

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7. The Secretary-Treasurer of the Council shall receive all moneys due and payable to the Corporation, and he shall pay out of such moneys all drafts or orders drawn upon him by any person thereunto authorized by this Act, for the payment of any sum to be expended or due by the Municipality, whenever thereunto authorized by the Council, but no such draft or order shall be lawfully paid by the said Secretary-Treasurer, unless the same shall shew sufficiently the use to be made of the sum mentioned in such draft or order, or the nature of the debt to be paid thereby ;

The Secretary-Treasurer shall receive and pay out the moneys of the Corporation.

8. The Secretary-Treasurer shall keep in due form books of account in which he shall respectively enter each item of receipt and expenditure, according to dates, mentioning at the same time the names of the persons who have paid any moneys into his hands or to whom he has made any payment respectively, and he shall keep in his office the vouchers for all expenditure ;

Shall keep the books.

9. The Secretary-Treasurer shall render to the Council every six months, that is to say, in the months of June and December in each year, or oftener if required by such Council, a detailed account of his receipts and expenditure, attested by him under oath ;

To render attested accounts.

10. The Secretary-Treasurer's books of account and vouchers shall, at all reasonable hours of the day, be opened for inspection, as well to the Council as to each of the members thereof, and the Municipal Officers by them appointed, or to any person liable to assessment in the town ;

Books to be open to public.

11. The Secretary-Treasurer, or any other person who shall have filled the said office, may be sued by the Mayor in the name of the Corporation, before any tribunal of competent jurisdiction, for having failed to render an account, and in any such action he may be condemned to pay damages and interest for having failed to render such account ; and if he renders an account, he shall be condemned to pay such balance as he shall acknowledge or declare to have in his hands, together with such other sums as he ought to have debited himself with, or as the Court shall think he ought to be held accountable for ; and every judgment pronounced in any such suit shall include interest at twelve per cent. on the amount thereof by way of damages, together with the costs of suit ;

He may be sued by the Mayor in the name of the Corporation.

Damages in such suit.

12. Every such judgment shall carry *contrainte par corps* against the said Secretary-Treasurer, according to the laws in force in like cases in Lower Canada, if such *contrainte* be demanded in the action to compel the rendering of the said account ;

Contrainte par corps.

13.

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Power of Council to appoint officers.

13. The Council shall have power and authority to appoint such other officers as may be necessary for carrying into effect the provisions of this Act, or of any By-law or Regulation of such Council;

Officers retiring—their duties.

14. Every Municipal Officer, whether elected or appointed, shall, within eight days from the day on which he shall cease to hold such office, deliver to his successor, if he be then elected or appointed, or if not, then within eight days after the election or appointment of such successor, all moneys, keys, books, papers and insignia belonging to such office;

In case of death or absence from Lower Canada.

15. If any such officer die or absent himself from Lower Canada, without having delivered up all such moneys, keys, books, papers and insignia, it shall be the duty of his heirs or other legal representatives to deliver the same to his successor within one month from his death, or from his departure from Lower Canada;

His successor to have a right of action for certain purposes.

16. And in every such case the successor in office of every such officer shall, besides all other legal remedies, have a right of action before any Court of Justice, either by *saisie revendication*, or otherwise to recover from such officer or from his legal representatives, or any other person in possession of the same, all such moneys, keys, books or insignia, together with costs and damages in favor of the corporation; and every judgment rendered in every such action may be enforced by *contrainte par corps* against the person condemned, according to the laws in force in such cases in Lower Canada, each time the said *contrainte* is demanded by the declaration.

Assessors to be appointed: their duties.

23. The said Town Council shall have power, whenever they may deem it advisable, to appoint three assessors or valuators of property, and it shall be the duty of the said assessors to estimate the rateable property in the said town according to its real value, and in the manner and within the periods which shall be fixed by the said Town Council.

Assessors to take oath.

24. Every person so appointed assessor shall be bound, before proceeding to the valuation of any property in the said town, to take the following oath before the Mayor of the said town, or in his absence, before a Councillor, to wit:

The oath.

"I, , having been appointed one of the assessors "of the Town of Iberville, do solemnly swear, that I will dili- "gently and honestly discharge the duties of that office to the "best of my judgment and ability: So help me God."

Real property qualification of Assessors.

25. The assessors who shall be appointed for the said Town shall be proprietors of real estate in the said Town of the value of at least six hundred dollars currency of this province.

26.

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26. When the assessors shall have made a valuation of all the rateable property of the said town, they shall deposit the assessment roll with the Secretary-Treasurer of the said Town, and notice of such deposit shall be given by the Secretary-Treasurer in the same manner as notice of an election of Councillors; And at the next ensuing meeting of the said council, the said assessment roll shall be produced, and, if they desire it, examined by the Councillors; and the assessment roll shall be deposited in the office of the Secretary-Treasurer for the period of one month, dating from such meeting; and during that period it shall remain open to the inspection of all persons whose property shall have been estimated, or their representatives; and within that period, persons considering themselves aggrieved may give notice in writing to the Secretary-Treasurer of their intention to appeal to the said Town Council, complaining of any excessive valuation, and such appeal shall be tried by the said council, at the first meeting which shall be held after the expiration of the month above mentioned; and the said Council, after having heard the parties and their witnesses under oath, which shall be administered by the Mayor or presiding Councillor, shall confirm or alter the valuation, the change whereof shall have been prayed for, as to them shall seem just; and at the same meeting the said assessment roll shall be declared closed for two years; unless, however, from the number of appeals, the council shall be compelled to adjourn, in which case the said assessment roll shall not be declared closed until all the appeals shall have been heard and determined; Provided always, that if, after the said assessment roll shall have been declared closed as aforesaid, any property in the said Town should suffer any considerable diminution in value, either through fire, demolition, accident or any other reasonable cause, it shall be lawful for the said Council, upon the petition of the proprietor, to instruct the assessors to reduce their valuation of such property to its then actual value; And provided also, that if any omission shall have been made in the said assessment roll, the said Council may order the assessors to value any property so omitted, in order to its being added to the roll; And provided also, that the said assessors shall, when directed by the said Council, make a yearly valuation of the stocks of merchandise held in the said Town.

Proceedings of Council upon deposit of Assessment Roll.

Proviso: as to diminution in value.

Proviso: as to omissions.

Proviso.

27. At the first meeting after each Annual Municipal Election, two persons shall be appointed by the said Town Council to be Auditors of the accounts of the said Council; and such Auditors shall take the following oath, before any one of the Justices of the Peace, residing in the said town, that is to say:

Two Auditors of accounts to be appointed and sworn.

"I, , having been appointed to the office of Auditor of the Town of Iberville, do hereby swear, that I will faithfully perform the duties thereof, according to the best of my judgment and ability; and I do declare that I have not directly or indirectly any share or interest whatever in any contract

The oath.

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" contract or employment with, by, or on behalf of the Town " Council of the said Town of Iberville : So help me God."

Duty of Auditors.

28. It shall be the duty of the Auditors to examine, approve or disapprove of and report upon all accounts which may be entered in the books of the said Council or concerning them, and which may relate to any matter or thing under the control of, or within the jurisdiction of the said Town Council, and may then remain unsettled ; and to make their report to the Council of the said town, at least fifteen days before the day of the elections.

Real property qualification of Auditors.

Proviso: certain parties disqualified.

29. The Auditors who shall be appointed for the said Town, shall be proprietors of real estate therein of the value of at least four hundred dollars currency ; Provided always, that neither the Mayor, Councillors, Secretary-Treasurer of the said Town, nor any person receiving any salary from the said Council, either for any duty performed under their authority, or on account of any contract whatsoever entered into with them, shall be capable of discharging the duties of Auditor for the said Town.

Mayor to be Justice of the Peace.

Proviso.

30. The Mayor of the said Town shall, during the period of his office, be a Justice of the peace ; Provided always, that he shall not be bound to take any other oath than the official one to act as such ; any law to the contrary notwithstanding.

In what cases Councillors shall become disqualified.

31. Every person holding the office of Councillor of the said town, who shall be declared a bankrupt, or shall become insolvent, or who shall apply for the benefit of any of the laws made for the relief or protection of insolvent debtors, or who shall enter into holy orders, or become a minister of religion in any religious denomination, or who shall be appointed a judge or clerk of the Court of Queen's Bench, or of the Superior Court or a member of the Executive Council, or who shall become responsible for the revenues of the Town, in whole or in part, or who shall absent himself from the said Town, without the permission of the said Council for more than three consecutive months, or who shall not be present at the meetings of the said Council for a period of two consecutive months, shall, by virtue of any one of these clauses, become disqualified, and his seat in the said Council shall become vacant, and such person shall be replaced in accordance with the provisions of this Act ; Provided always, that the word "Judge" employed in any part of this Act shall not apply to a Justice of the Peace.

Vacancy to be filled.

Proviso.

Town Council may make By-laws for certain purposes.

32. It shall be lawful for the said Town Council, from time to time, to make such By-laws as may seem to them necessary or expedient for the internal government of the Town, for the improvement of the place, for the maintenance of peace and good order, and for the good repair, cleansing, and draining of the streets, public squares, and vacant or unoccupied lots ; for

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for the prevention or suppression of all nuisances whatsoever, for the maintenance and preservation of the public health, and generally for all purposes connected with, or affecting the internal management or government of the said Town.

33. It shall be lawful for the said Town Council to appoint, remove, and replace, when they shall think proper, all such officers, constables, and policemen as they shall deem necessary for the due execution of the By-laws now in force, or to be by them enacted hereafter, and to require from all persons employed by them, in any quality whatsoever, such security as to them shall seem meet to ensure the due execution of their duties. **May appoint and remove officers.**

34. In order to raise the necessary funds to meet the expenses of the said Town Council, and to provide for the several necessary public improvements in the said Town, the said Town Council shall be authorized to levy annually on persons, and on moveable and immoveable property in the said Town, the taxes hereinafter designated, that is to say : **Council may levy taxes;**

1. On all lands, town lots, and parts of town lots, whether there be buildings erected thereon or not, with all buildings and erections thereon, a sum not exceeding one cent in the dollar on their whole value, as entered on the Assessment Roll of the said Town : **Upon real property;**

2. On the following moveable property, a sum not exceeding one half of a cent in the dollar at the value herein specified : **And upon certain moveable property.**

Every horse kept for covering mares shall be rated at four hundred dollars ;

Every horse kept for hire or gain, at sixty dollars ;

Every horse above the age of three years, and kept for domestic purposes at forty dollars ;

Every bull, at fifty dollars ;

Every ram, at twenty dollars ;

Every head of horned cattle, aged two years and more, at twenty dollars ;

Every covered carriage, with four wheels, at two hundred dollars ;

Every open carriage, with four wheels and two seats, at eighty dollars ;

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Every curricle or light waggon, with one seat, at forty dollars ;

Every two horse sleigh, at eighty dollars ;

Every one horse sleigh, at forty dollars :

Proviso: certain personal property exempted.

Provided always, that every winter or summer vehicle used solely for drawing loads, and all vehicles commonly called draught or work vehicles, as well as all farm stock, and all implements used for agricultural purposes, shall be exempt from any tax whatever ;

Upon merchandize.

3. On all stocks in trade or goods kept by merchants or traders, and exposed for sale on shelves in shops or kept in storehouses, a tax of one half per cent on the estimated average value of such stocks in trade ;

Tenants.

4. On each tenant paying rent in the said Town, an annual sum equivalent to three cents in the dollar on the amount of his rent ;

Poll tax on male inhabitants.

5. On each male inhabitant of the age of twenty-one years, who shall have resided in the said Town for six months, and not being a proprietor or tenant, nor an apprentice, nor a domestic servant, an annual sum of one dollar ;

Dogs.

6. On every dog kept by persons residing in the said Town, an annual sum of one dollar ;

On certain professions, trades, &c.

Public houses.

Pedlars.

Places of amusement.

Auctioneers and other traders.

Bankers.

Insurance Companies.

All callings whatever.

Workmen to be taxed in classes.

7. And it shall be lawful for the said Town Council to fix, by a By-law or By-laws, and to impose and levy certain annual duties or taxes on the proprietors or occupants of houses of public entertainment, taverns, coffee-houses, and eating-houses, and on retailers of spirituous liquors ; and on pedlars and itinerant traders selling in the said Town articles of commerce of any kind whatsoever ; and on all proprietors, possessors, agents, managers, and keepers of theatres, circuses, billiard-rooms, nine-pin alleys, or other places for games or amusements of any kind whatsoever ; and on all auctioneers, grocers, bakers, butchers, hawkers, carters, livery stable keepers, brewers and distillers ; and on all merchants and manufacturers, and their agents ; and on all proprietors or keepers of wood yards, or coal yards, and slaughter-houses, in the said Town ; and on all money-changers or exchange-brokers, pawn brokers, and their agents, and on all bankers and banks and their agents, and on all insurance companies or their agents ; and generally on all commerce, manufactures, callings, arts, trades, and professions, which have been or which may be exercised in or introduced into the said Town, whether the same be or be not mentioned herein and the workmen of all mechanical arts and trades exercised in the said Town, shall be divided into first

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first and second classes, by the person appointed by the said Town Council to make the roll of moveable property, and shall be assessed at one dollar per annum for those of the first class, and at twenty-five cents for those of the second class; and every person in the said Town, practising the profession of a Lawyer, or of a Physician, or of a Land Surveyor, or of a Notary, or any other liberal profession, shall be assessed at the sum of three dollars annually; and the said Town Council may name a person or persons to make the roll of the persons and moveable property mentioned in the different parts of this section;

Lawyers, Doctors, &c.

Roll to be made.

8. And the said Council shall also have the power to fix the amount of personal commutation, that is to say: of the sum to be payable by each person liable to assist in keeping the streets and sidewalks of the said Town in repair, and to refuse the labor of such person in keeping the same in repair, if the said Council should prefer to charge itself therewith; Provided always, that every such sum demanded for personal composition shall be equitably established in proportion to the work to be done, and that by arbitration, if the parties concerned require it.

Commutation in respect to statute labor.

Proviso.

35. The said Council shall also have power to make By-laws:

Council may make By-laws with respect to—

1. For the concession of emplacements and for opening new streets in the common of the said Town, to such extent as may from time to time be required, and upon such conditions as the Council may deem proper, any law to the contrary notwithstanding;

Conceding lots and opening streets in the common.

2. For determining and regulating the duties of the Clerks of the markets in the said Town, and all other persons they may deem proper to employ to superintend the said markets; and for letting the stalls and other places for selling, upon and about the said market places; and for fixing and determining the duties to be paid by any persons selling on any of the said markets any provisions or produce whatever; and for regulating the conduct of all such persons in selling their goods; and to provide for the weighing or measuring, as the case may require, by the officers named for that purpose by the said Council, and on the payment of such fees as the said Council may think fit to impose on that behalf, of any thing or things sold or offered for sale on the said markets;

Clerks of markets and their duties.

Weighing and measuring.

3. For amending, modifying or repealing all By-laws made by the Municipal Councils who have had the management of the internal affairs of the said Town;

Amending By-laws.

4. For regulating and placing all vehicles in which any articles shall be exposed for sale on the said markets;

Vehicles on markets.

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Sales in markets.

5. For preventing persons bringing provisions of any kind into the said Town, from selling or exposing them for sale in any other place than the markets of the said Town;

Cordwood, &c.

6. For regulating the weighing and measuring of all cordwood, coals, salt, grain, lime and hay, bought or sold in the said Town, by strangers or persons residing therein;

Weights and measures.

7. For determining in what manner the said articles and all others shall be sold and delivered, whether by quantity, measure or weight, and for obliging all persons to observe in the above matters the By-laws which the said Council shall hereafter deem useful to establish;

Obstructions.

8. For preventing obstructions of any nature whatsoever in streets;

Sales on public highways.

9. For preventing the sale on the public highway of any wares or merchandize whatsoever;

Sale of intoxicating liquors.

10. For restraining and prohibiting the sale of any spirituous, vinous, alcoholic or intoxicating liquor, or for authorizing such sale, subject to such restrictions as they may deem expedient;

19, 20 V. c. 101, s. 12.

Licenses.

11. For determining under what restrictions and conditions the Revenue Inspector of the District of Iberville shall grant Licenses to Merchants, Traders, Shopkeepers, Tavern-keepers and other persons to sell such liquors;

Sum payable.

12. For fixing the sum payable for every such License, provided that in any case it shall not be less than the sum which is now payable therefor, by virtue of the laws at present in force;

Regulation of shop-keepers.

13. For regulating and governing all Shop-keepers, Tavern-keepers, and other persons selling such liquors by retail, and in what places such liquors may be sold, in such manner as they may deem expedient to prevent drunkenness;

Sale of liquor to children, apprentices, &c.

14. For preventing the sale of any intoxicating beverage to any child, apprentice or servant;

Cruelty to animals.

15. For preventing the driving of vehicles at an immoderate pace in the said Town, or riding on horseback on the sidewalks of the said Town, or the barbarous or inhuman treatment of horses or other beasts, such as beating them excessively in order to oblige them to draw burdens of too great a weight;

Bread.

16. For regulating, fixing and determining the weight and quality of bread sold or offered for sale within the limits of the said Town;

17.

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17. For regulating the conduct and certain duties of apprentices, domestics, hired servants and journeymen in the said Town, and also certain duties and obligations of masters and mistresses towards such servants, apprentices and journeymen; **Servants and apprentices.**

18. To prevent the keeping of gaming-houses, places for gambling or any description of houses of ill-fame in the said Town; **Gaming houses.**

19. To establish as many public pounds as the said Council shall deem expedient to open for the impounding of animals of any species which may be running at large in the said Town; **Pounds.**

20. For regulating, arming, lodging, clothing and paying a Police Force in the said Town, and for determining their duties; **Police.**

21. For fixing and regulating the places in which interments may take place within the said Town; for compelling the taking up of any body interred within the said limits contrary to this provision; Provided always, that this paragraph shall not extend to prevent interments in the churches in the said Town; **Interments.** **Proviso.**

22. To compel the proprietors of all land and real property within the said Town, their agents or representatives, to enclose the same; and to regulate the height, description and material of every such enclosure; and to make footways, if the Council should think fit to do so; **Enclosures.**

23. To compel the proprietors or occupants of lots of land in the said Town, having stagnant or filthy water upon them, to drain or raise such lands, so that the neighbors may not be incommoded, nor the public health endangered thereby; and in the event of the proprietors of such lands being unknown, or having no representative or agent in the said Town, it shall be lawful for the said Council to order the said lands to be drained or raised, or to fence in and enclose them at their cost, if they are not already fenced in and enclosed; and the said Council shall have a like power if the proprietors or occupiers of such lands are too poor to drain, raise or fence in the same; and in every case the sum expended by the said Council in improving such lands, shall remain as a special hypothec on such land, and have privilege over all other debts whatsoever, without it being necessary to register the same; **Draining and fencing of lands.**

24. To oblige all proprietors or occupants of houses in the said Town, to remove from the streets all encroachments or obstructions of any sort, such as steps, galleries, porches, posts or other obstacles whatsoever; **Encroachments.**

25. To cause to be pulled down, demolished and removed, when necessary, all old or dilapidated walls, chimneys and buildings of any description that may be in a state of ruin, and to **Old and ruinous buildings.**

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to cause to be removed from the streets all sheds, stables, and other outbuildings erected on the level of any street, and to determine the time and manner in which the same shall be pulled down, demolished or removed, and by whom the expense thereof shall be borne ;

Width of streets.

26. For regulating the width of streets to be opened hereafter in the said Town ; for regulating and altering the height or the level of any street or side-walk in the said Town ; Provided, that if any person shall suffer real damage by the widening, lengthening or altering the level of any street in the said Town, such damage shall be paid to such person, after having been assessed by arbitrators, if any of the parties shall require it ;

Water and gas.

27. For defraying out of the funds of the said Town the expenses of furnishing the citizens with water, and of lighting the said Town with gas, or in any other manner, and for obliging the proprietors of real property in the said Town to allow the necessary works to be performed for such objects on their respective properties, and for obliging all proprietors to allow the necessary pipes, lamps and posts to be fixed upon their houses; Provided always, that in all such cases, the expense of all such pipes, lamps and other necessary works shall be defrayed by the said Council; And provided also, that the solidity of the buildings on and near to which they shall be so placed, shall be in no wise affected, and that any damage that may be caused shall be paid by the said Council, and that every proprietor shall be indemnified by the said Council;

Proviso.

Proviso.

Common sewers.

28. For assessing the proprietors of real property situate on any of the streets of the said Town, for such sum as shall be deemed necessary for making or repairing any common sewer in any of the streets of the said Town, such assessment being in proportion to the assessed value of such property ; and for regulating the mode in which such assessment shall be collected and paid.

Sweeping and watering, &c.

29. For assessing, at the request of the majority of the citizens residing in any of the streets or public squares of the said Town, all the citizens residing in such street or public square, in any sums necessary to meet the expense of sweeping, watering and keeping clean such street or public square, and for removing the snow from any such street, lane or public place, such assessment being in proportion to the assessed value of their property ;

Damages from riots and tumults.

30. To assess, over and above all other rates specially established by this Act, all the citizens of the said Town, to meet the expenses of any indemnity which the said Council might be obliged to pay to persons in the said Town, whose houses or buildings of any description might be destroyed or damaged by any riot or tumultuous assembly ; and if the said Council shall neglect or refuse within six months after such destruction or

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or damages caused to any property in the said Town, to pay a reasonable indemnity to be established by arbitrators, if one of the parties shall so desire, then the said Council shall be liable to be sued for such damage in one of the Courts of Justice of this Province ;

31. To fix the place for the erection of any manufactories or machinery worked by steam in the said Town ; **Steam engines.**

32. For establishing a Board of Health, and investing them with all the privileges, power and authority necessary for the fulfilment of the duties entrusted to them, or for acquiring every useful information on the progress or general effects of all contagious diseases, or for making such regulations as such Board of Health shall deem necessary for preserving the citizens of the Town from any contagious diseases, or for diminishing the effects or the danger thereof. **Contagious diseases.**

36. For the better protection of the lives and property of the inhabitants of the said Town, and for more effectually preventing accidents by fire, the said Council may make By-laws for the following purposes, that is to say: **Prevention of accidents by fire.**

1. For regulating the construction, dimensions, height and elevation of chimneys above the roofs, or even in certain cases above the neighboring houses and buildings; and at whose costs such chimneys shall be raised, and within what delay they shall be raised or repaired ; **Chimneys.**

2. For defraying out of the funds of the said Town any expenses that the Council shall deem necessary to incur for the purchase of fire engines or apparatus of any kind to be used at fires, or for taking such means as shall appear to them most effective for preventing accidents by fire, or arresting the progress of fires ; **Fire engines.**

3. For preventing thefts and depredations which may be committed at any fire in the said Town, and for punishing any person who shall resist or maltreat any member or officer of the said Council, in the execution of any duty assigned to him by the said Council under the authority of this section ; **Thefts at fires.**

4. For establishing or authorizing and requiring to be established after each fire in the said Town, a judicial enquiry into the cause and origin of such fire, for which purpose the said Council or any Committee thereof, authorized to the effect aforesaid, may summon and compel the attendance of witnesses and examine them on oath, which oath shall be administered to them by any of the Members of the said Council or of such Committee; and the said Council or Committee may also deliver over to be imprisoned in the common gaol of the district, any person against whom well grounded cause of suspicion **Enquiring into causes of fires.**

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suspicion may be found of his having maliciously originated the said fires;

Sweeping of chimneys.

5. For regulating the manner in which and the periods of the year when chimneys shall be swept, and for granting licenses to such numbers of chimney sweeps as the said Council shall think proper to employ, and for obliging all proprietors, tenants or occupants of houses in the said Town to allow their chimneys to be swept by such licensed chimney sweeps; and for fixing the rates to be paid for sweeping chimneys, either to the Council or such licensed chimney sweeps; and for imposing a penalty of not less than one dollar, nor more than five dollars on all persons whose chimneys may have caught fire after any refusal to allow them to be swept, such penalty to be recovered before any Justice of the Peace; and whenever any chimney which shall have caught fire as aforesaid, shall be common to several houses, or be used by several families in the same house, the said Justice of the Peace shall have power to impose the above penalty in full on each house or family, or to divide the same among them in proportion to the degree of negligence shewn on proof before him;

Ashes and quick lime.

6. For regulating the manner in which ashes or quick lime shall be kept in the said Town, and for preventing the inhabitants of the said Town from carrying fire in the streets without necessary precaution,—from making a fire in any street,—from going from their house to their yards and outbuildings and entering therein with lighted candles not enclosed in lanterns; and generally for making such regulations as they may deem necessary for preventing or diminishing accidents by fire;

Conduct at fires.

7. For regulating the conduct of all persons present at any fire in the said Town; for obliging idle persons to assist in extinguishing the fire, or in saving effects which may be in danger, and for obliging all the inhabitants of the said Town to keep at all times upon and in their houses, ladders, fire-buckets, battering rams and fire-hooks, in order the more easily to arrest the progress of fires;

Persons wounded at fires.

8. For defraying out of the funds of the said Town any expense which the said Council shall deem expedient to incur, in aiding or assisting any person in their employ, who shall have received any wound or contracted any severe disease at any fire in the said Town; or in assisting or providing for the family of any person in their employ who shall perish at any fire; or in bestowing rewards in money or otherwise upon persons who shall have been particularly useful or zealous at any fire in the said Town;

Demolition of buildings in certain cases.

9. For vesting in such members of the Council or in the Fire Inspectors, or either of them, to be designated in such By-laws, the power of ordering to be demolished during any fire, any houses,

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houses, buildings, outhouses or fences, which might serve as fuel to the fire and endanger the other property of the inhabitants of the said Town ;

10. For appointing all such officers as the said Council shall deem necessary for carrying into execution the By-laws to be passed by them in relation to accidents by fire ; for prescribing their duties and powers, and providing for their remuneration, if they think fit, out of the funds of the said Town ;

Appointment of officers.

11. For authorizing such Officers as the Council shall think fit to appoint for that purpose, to visit and examine at suitable times and hours, both the inside and the outside of all houses and buildings of any description within the said Town, for the purpose of ascertaining whether the rules and regulations passed by the said Council under the authority of this section are regularly observed, and for obliging all proprietors, possessors or occupants of houses in the said Town, to admit such Officers for the purposes aforesaid.

Authorizing officers to visit and inspect buildings, &c.

37. 1. The Secretary-Treasurer, when he shall have completed his collection roll, shall proceed to collect the rates therein mentioned, and for that purpose shall give or cause public notice to be given on the following Sunday, or on any subsequent Sunday, that the collection roll is completed and deposited in his office, and that all persons therein mentioned, liable to the payment of assessments, are required by him to pay the amount thereof at his office within the twenty days which follow the publication of the said notice :

Duty of Secretary Treasurer upon completion of Collection-Roll.

2. If at the expiration of the said twenty days, there shall be any arrears of assessment, the Secretary-Treasurer shall leave at the ordinary place of residence or domicile of each person so in arrears, or serve on each person in arrears, personally, a statement of the total amount of assessments due by such person in arrears, and at the same time, and by a notice annexed to the said statement, he shall demand the payment of the assessments therein mentioned, together with the expenses of the serving of the notice, according to such tariff as the Council shall have decided upon ;

Duty with respect to arrears.

3. If any person neglect to pay the amount of assessments imposed upon him for a period of thirty days, after he shall have been requested to do so as aforesaid, the Secretary-Treasurer shall levy the said assessments with costs, by a warrant under the hand of the Mayor, authorizing the seizure and sale of the goods and chattels of the person bound to pay the same, or of all the goods and chattels in his possession, wherever they shall be found within the limits of the said Town, addressed to one of the sworn bailiffs for the district of Iberville, of the Superior Court for Lower Canada, who is hereby authorized to seize and sell the said goods and chattels in the ordinary

Proceedings in case of neglect to pay.

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ordinary manner; and no claim founded on a right of ownership or privilege upon the same shall prevent the sale or the payment of the assessments and expenses out of the proceeds of such sale.

From what parties taxes may be recovered.

38. Every tax or assessment imposed by virtue of this Act, upon any property or house in the said Town, may be recovered either from the proprietor, tenant or occupier of such property or house; and if such tenant or occupier be not bound by lease or other stipulation to pay such tax or assessment, such tenant and occupier may and shall be entitled to deduct the sum so paid by him out of the rent which he would have to pay for the possession of such property;

Proceedings in case of non-performance of work ordered by Council.

2. Whenever the Town Council shall have passed any By-law or By-laws directing work to be done within the said Municipality or in any part thereof, and any proprietor shall be unable from absence, poverty or any other cause, to perform the said work, it shall be lawful for the said Council to cause the work which such proprietor may be bound under such By-laws to perform to be done, and the sum so expended by the Council shall remain a lien upon the property as a special and privileged hypothec in preference to all other debts whatsoever, and shall be recoverable in the same manner as the taxes due to the said Council, with interest at the rate of eight per cent.

Case of absentee proprietor of vacant property, provided for.

39. In all cases where the persons who shall be rated in respect of any vacant ground or other real property within the Town, shall not reside within the said Town, and the rates and assessments payable in respect of such vacant ground or property shall remain due and unpaid for the space of six years, then it shall be lawful for the said Town Council, after having obtained a judgment before the Circuit Court, in and for the District of Iberville, or any other Court of civil jurisdiction, to sell and dispose of such property by public sale, or so much thereof as shall be judged sufficient for the payment of the sum due, with costs; and the Sheriff of the District of Iberville is hereby authorized and required to advertise such sale to be made under the authority of this section, in a French newspaper, or in an English newspaper, published or circulated in the District of Iberville, and the said Sheriff is also required to employ, for the purpose of effecting such sale, a bailiff residing in the said Town of Iberville, who shall be designated by the said Council; Provided always, that all owners of property sold under the authority of this section, shall be allowed to resume possession of the same, within the space of one year next after the date of such sale, on paying to the purchaser the full amount of the purchase money, with legal interest thereon, and any necessary outlay which may have been made on the said property by order of the said Council in virtue of this Act, on condition, however, that the said purchaser shall have kept the said property in the same state

Proviso.

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state and condition in which it was at the time of the purchase, and shall not have damaged it or allowed it to deteriorate; together with the costs attendant upon such sale, and ten per centum besides interest both on the amount of the purchase money and of the said outlay; And provided also, that if after such sale of property belonging to persons residing out of the Town, any surplus shall remain over and above the sum due to the said Council, for assessment and costs, the said Sheriff shall pay over such surplus to the said Town Council, to whatever sum the same may amount, and the said surplus shall be deposited in the funds of the said Town, as a loan, at the rate of six per cent. until called for and claimed by the party to whom it shall belong, to whom the same shall be paid. **Proviso.**

40. The said Council shall have power to remit a portion or even the whole of the amount due for assessment to indigent parties assessed under this Act, in certain cases of fire, long illness, or any other cause which the said Council shall deem reasonable and sufficient. **Assessment may be remitted in certain cases.**

41. If any person shall transgress any order or regulation made by the said Town Council under the authority of this Act, such person shall, for every such offence, forfeit the sum specified in any such order, rule or regulation, with the costs to be allowed by the Justices of the Peace who shall try such offences in accordance with the tariff then in force for the fees of the officers of the said Justices of the Peace, and to be levied on the goods and chattels of the offender, and, in default of such goods and chattels, the offender shall be liable to be committed to the Common Gaol of the District, for a term not exceeding one month, but which may be less in the discretion of the Court; and no person shall be deemed an incompetent witness upon any information under this Act, by reason of his being a resident of the said Town of Iberville; Provided always, that the information and complaint for any breach of any order or regulation of the said Town Council shall be made within one month next after the time of the offence committed; And provided also, that no fine or penalty shall be inflicted for any such offence, which shall be less than one dollar nor more than twenty dollars, and that no imprisonment for any such offence shall, in any case, be more than one calendar month, and the costs of transport in effecting such imprisonment shall be borne by the said Town Council, and the said Council shall also have power to punish by forfeiture of their goods, articles and provisions, all persons exposing them for sale on the markets, in the streets of the said Town, and infringing at the same time the By-laws of the said Council as regards the weight and quality of such goods, articles and provisions. **Penalties for infraction of By-laws.** **Proviso.** **Proviso.**

42. All the debts hereafter due to the said Town Council for all taxes or assessments imposed on moveable or immoveable property in the said Town, shall, by virtue of this Act, be privileged **Taxes and assessment shall be privileged debts.**

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privileged debts, and shall be paid in preference to all other debts, and the said Town Council shall, in all cases of distribution of moneys, be collocated in preference to all other creditors; Provided always, that this privilege shall only apply to assessments due for six years, and no longer; And provided also, that this privilege shall have its full and complete effect without its being necessary to have recourse to registration.

Proviso.

Proviso.

To whom penalties, &c., shall be paid.

43. All the fines and penalties recovered under the provisions of this Act, shall be paid into the hands of the Treasurer of the said Town Council, and the proceeds of all licenses granted under this Act shall form part of the public funds of the said Town, any law to the contrary notwithstanding.

By-laws, &c., to be published.

44. Before any By-law of the said Town Council shall have force or be binding, such By-law shall be published in the French language by reading the same at the door of the Catholic Church of the said Town on the two Sundays next after the passing of such By-law, and by posting up a copy thereof in two of the most public places in the said Town.

Council may effect loans.

45. It shall be lawful for the said Town Council, from time to time, to borrow divers sums of money for effecting improvements in the said Town, for the purpose of building one or more market houses, or for draining the streets, or for furnishing the said Town with water, and generally for such purposes as the said Council shall deem useful or necessary.

Duties of Council with respect to loans.

46. Whenever the said Council shall contract loans upon the credit of the said Town, they shall be bound and they are hereby required to provide immediately for the payment of the annual interest upon such loans, which annual interest shall not in any case exceed the legal rate of interest in this Province; and the said Council shall set aside a portion of their revenues for the payment of such interest; and the said Council shall also, whenever they shall contract a loan, provide out of their revenue for the establishment of a Sinking Fund, which Sinking Fund shall consist of a deposit made in a Savings' Bank, annually, and at the periods when the interest on the said loan shall be paid, of a sum equivalent to a proportion of at least two per centum on the capital to be paid off; and the sum arising annually from the Sinking Fund shall remain deposited in such Savings' Bank, with the interest which may accrue thereon, until it shall be equal to the total amount of the capital to be paid off; Provided always, that when the interest and Sinking Fund united shall absorb one half of the annual revenues of the said Council, then and in such case it shall not be lawful for the said Council to contract new loans, it being hereby intended that the said Council shall not be entitled to devote to the interest and Sinking Fund of their loans, any sum exceeding half of their revenues; And provided also, that it shall be lawful for the said Town Council, if the lender consent or require it, to deposit in the

Sinking Fund.

Proviso: in certain cases no new loan to be contracted.

Proviso.

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the hands of such lenders, instead of in a Saving's Bank, the annual sums which shall have been agreed upon to form the Sinking Fund ; in which case the receipts given to the said Council shall be so drawn up as to define what amount shall have been paid on account of interest, and what amount shall have been paid into the Sinking Fund.

Members of Council may order arrest of disorderly persons.

47. It shall be lawful for any one of the members of the said Town Council, individually, to order the immediate apprehension of any drunken or disorderly or riotous person whom he shall find disturbing the public peace within the said Town, and to confine him in the Common Gaol of the District, or other place of confinement, in order that such person may be secured until he can be brought before the Mayor or a Justice of the Peace, to be dealt with according to law.

Powers of constables in certain cases.

48. It shall be lawful for any constable to apprehend and arrest all persons whom he shall find disturbing the public peace within the limits of the said Town, and also every person who shall be found sleeping in any field, vacant lot, highway, yard, or other place, or shall be found loitering or idling in any such place, and shall not give satisfactory reasons for his conduct ; and every such constable shall deliver such person into the custody of the constable who shall have the charge of the prison, or any other place of detention of the said Town, in order to the safe keeping of the said person, until he shall be brought before the Mayor or other Magistrate, to be dealt with according to law.

Persons assaulting constables in the execution of their duty, how dealt with.

49. Every person who shall assault, beat, or forcibly resist any constable or peace officer appointed by virtue of this Act, and engaged in the execution of his duty, or who shall aid or excite any other person to assault, beat, or forcibly resist such officer or constable, every such offender shall, upon conviction thereof before the Mayor or a Justice of the Peace, be liable to a fine of from four to forty dollars currency, or to imprisonment not exceeding two calendar months, notwithstanding any provisions of this Act to the contrary ; Provided always, that it shall be lawful for the said Council or any other officer, if the offence be serious, to proceed by indictment against any such offender, but nevertheless only one proceeding at law shall be adopted.

Proviso.

Properties exempt from taxation.

50. The following property shall be exempt from taxation in the Town of Iberville :

1. All lands and property belonging to Her Majesty, Her Heirs and Successors, held by any public body, office or person in trust for the service of Her Majesty, Her Heirs and Successors ;

2. All Provincial property and buildings ;

3.

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3. Every place of public worship, presbytery and its dependencies, and every burying ground ;

4. Every public school house and the ground on which the same is constructed ;

5. Every educational establishment and the ground on which the same is constructed ;

6. All buildings, grounds and property occupied or possessed by hospitals or other charitable or educational establishments ;

Proviso: exemption not to extend to Crown property leased to private parties.

7. Every Court House and District Gaol and the grounds attached thereto ; Provided always, that this exemption shall not extend to lots or to other buildings built upon lots leased or occupied by tenants under the Government in the said Town ; but such lands belonging to the Government or to the Ordnance Department occupied by tenants, shall be valued and assessed in like manner as other real property in the said Town, and such rates or assessment shall be paid by the said tenants or occupiers thereof.

Certificates for Tavern licenses to be granted by Council only.

51. From and after the passing of this Act, the said Town Council shall alone be authorized to grant and deliver certificates for obtaining Tavern Licenses, any law, usage or custom to the contrary notwithstanding ; and such certificates shall be signed by the Mayor and the Secretary-Treasurer of the said Council, and sealed with the seal of the said Council.

Limitation of actions for things done under this Act.

52. If any action or suit shall be brought against any person for any matter or thing done by virtue or in pursuance of this Act, such action or suit shall be brought within four calendar months next after the fact committed, and not afterwards.

Encroachments on public streets or squares.

53. It shall be lawful for the said Town Council to order the Inspector of the said Town to notify any parties who shall have made or shall hereafter make encroachments upon the streets or public squares of the said Town, by means of houses, fences, buildings, or obstructions of any kind, to cause the removal of such encroachments or obstructions by giving to such persons a reasonable delay for the purpose, which delay shall be specified by the said Town Inspector in giving his notice ; and if such persons shall not have removed such encroachments or obstructions within the delay specified, the Council may order the said Inspector to remove such encroachments or obstructions, taking with him the assistance necessary for that purpose ; and the said Council may allow to the said Inspector his reasonable expenses and recover the same before any Court having competent jurisdiction, from any person making such encroachment or obstruction.

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54. From and after the passing of this Act, every proprietor or agent who shall wilfully grant a certificate or receipt, setting forth a less sum than the rent really paid or payable for the premises therein mentioned or referred to, and every tenant who shall present to the assessors of the said Town, such a receipt or certificate, falsely representing the value of the rent paid by such tenant, in order to procure a diminution or abatement of his assessment, or who shall directly or indirectly deceive the said assessors as to the amount of such rent, shall be liable on conviction thereof, before the Mayor or a Justice of the Peace, to a penalty of twenty dollars currency or less, or to imprisonment during one calendar month or less, according to the judgment of such Mayor or Justice of the Peace.

Penalty for granting false receipts for rent in order to lessen taxes.

55. It shall be lawful for the said Council, whenever any house shall encroach upon any of the streets or public squares of the said Town, to prevent the proprietor of such house from rebuilding on the site occupied by the demolished house, and it shall be lawful for the Council to purchase any part of such lot encroaching upon any street, or to require the proprietor of such land to dispossess himself thereof, in consideration of an indemnity therefor, and such indemnity shall be fixed by arbitrators appointed respectively by the said Council, and by the party they are desirous of dispossessing; and the said arbitrators, in case of difference of opinion, shall appoint a third; and the said arbitrators, after having been sworn by a Justice of the Peace, shall take cognizance of the matter in dispute, and after visiting the place in question, shall decide upon the amount of indemnity to be granted to such proprietor; and the said arbitrators shall be authorized to decide which of the parties shall pay the costs of arbitration.

Council may prevent re-erection of buildings in certain cases.

56. The said Council shall have full power to purchase and acquire out of the revenues of the said Town, all such lots, lands and real property whatsoever within the said Town, as they shall deem necessary for the opening or enlargement of any street, public square or market-place, or the erection of any public building, or generally for any object of public utility of a Municipal nature.

Council may acquire lands for certain purposes.

57. When the proprietor of a lot which the said Council shall be desirous of purchasing, for any object of public utility of a Municipal nature, shall refuse to sell the same by private agreement, or in case such proprietor shall be absent from the Province or in case such lot of land shall belong to infants, issue unborn, lunatics, idiots, or wives *sous puissance de maris*, the said Council may apply to the Superior Court sitting in and for the District of Iberville, or to any other Court, for the appointment of an arbitrator by the said Court, to make conjointly with the arbitrator appointed by the said Council, a valuation of such lot, with power to the said arbitrators, in case of a difference of opinion, to appoint a third; and when the said arbitrators shall have

Arbitration in cases of disagreement as to the value of property taken for city purposes.

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have made their report to the said Council, at a regular meeting thereof, it shall be lawful for the said Council to acquire such lot on depositing the price at which it shall have been valued by the said arbitrators, in the hands of the Prothonotary of the Superior Court in and for the District of Iberville, for the use of the person entitled thereto; and if no person entitled to such indemnity, shall appear within six months after such amount shall have been deposited in the hands of such Prothonotary, to claim the sum so deposited, it shall then be lawful for the said Prothonotary, and he is hereby required to remit such sum to the Secretary-Treasurer of the said Council, to be deposited by him with the moneys of the said Town, and such sum shall bear interest at the rate of six per centum; and both the capital and the interest accruing thereon shall be payable by the said Council to any person entitled to receive the same, within three months after a formal notification to the Secretary-Treasurer of the said Town to pay the same.

Penalties for refusal to accept office.

58. Every person who, being elected or appointed to any of the offices mentioned in the following list, shall refuse or neglect to accept such office, or to perform the duties of such office, during any portion of the period for which he shall have been so elected or appointed, shall incur the penalty mentioned in such list opposite the name or designation of such office, that is to say:

Mayor.

The office of Mayor, thirty dollars currency;

Councillor.

The office of Councillor, twenty dollars currency;

On Valuators neglecting their duties.

2. Whenever the valuators neglect to make the valuation which they are required to make under this Act, or neglect to draw up, sign and deliver the valuation roll containing such valuation to the Secretary-Treasurer of the Council, within two months from the date of their appointment, every such valuator shall incur a penalty of two dollars currency for each day, which shall elapse between the expiration of the said period of two months, and the day upon which such valuation roll shall be so delivered, or upon which their successors in office shall be appointed;

Penalties for refusing to perform duties of office.

3. Every Member of Council, every Officer appointed by such Council, every Justice of the Peace and every other person who shall refuse or neglect to do any act, or perform any duty required of, or imposed upon him by this Act, shall incur a penalty not exceeding twenty dollars, and not less than four dollars currency;

For voting without qualification.

4. Every person who shall vote at any election of Mayor or Councillors without having, at the time of giving his vote at such election, the qualification by law required to entitle him to

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to vote at such election, shall thereby incur a penalty not exceeding twenty dollars currency ; .

5. Every inspector or officer of roads who shall refuse or neglect to perform any duty assigned to him by this Act, or by the By-laws of the Council, shall, for each day on which such offence shall be committed or shall continue, incur a penalty of one dollar currency, unless some other and heavier penalty be by law imposed on him for such offence ; **On Inspectors of roads for neglect of duty.**

6. Every person who shall hinder or prevent, or attempt to hinder or prevent, any officer of the Council in the exercise of any of the powers or in the performance of any of the duties conferred or imposed upon him by this Act, or by any By-law or order of the said Council, shall incur a penalty of twenty dollars currency for every such offence, over and above any damages which he may be liable to pay ; **Penalties for hindering officers in the performance of their duties.**

7. Every person who shall wilfully tear down, injure or deface any advertisement, notice or other document, required by this Act or by any By-law or order of the said Council to be posted up at any public place, for the information of persons interested, shall incur a penalty of eight dollars for every such offence. **Persons defacing notices, &c.**

59. All the penalties imposed by this Act, or by any By-law made by the Council, may be recovered before the Circuit Court for the district of Iberville, or before any Justice of the Peace residing in the said Town ; all penalties and fines incurred by the same person may be included in the same action, and in any such action the party failing shall be condemned with costs of suit, in accordance with the tariff of such Court. **Penalties, how to be recovered.**

60. This Act shall be held and deemed to be a Public Act, and the interpretation Act shall apply thereto. **Public Act.**

SCHEDULE No. 1.

Public notice by the Secretary-Treasurer of the completion of his Collection-Roll.

Public notice is hereby given that the Collection-Roll of the Town of Iberville is completed and is now deposited in the office of the undersigned, and all persons whose names appear therein, as liable for the payment of any assessment, are required to pay the amount thereof to the undersigned at his office, within twenty days from this day, without further notice.

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(No. 2.)

SECRETARY-TREASURER'S NOTICE FOR THE PAYMENT OF ASSESSMENT.

CORPORATION OF THE TOWN OF IBERVILLE.

Mr.

(*Copy of Account.*)

$

Notice served.
(*Here insert date of notice.*)

COSTS.
Notice.....$

CORPORATION OF THE TOWN OF IBERVILLE.
(*Date of delivery.*)

Mr. , Dr.

To the Corporation of the Town of Iberville.

	$	cts.
Assessment on you (*here mention the property, as* house, land, &c.) valued at $, at ( ) in the.....		
(*Here add the various other items of taxation*).....		
Total.....		

SIR,—Take notice, that having failed to pay the above mentioned sum within the time prescribed by public notice, you are hereby required, within fifteen days from the date hereof, to pay the same to me at my office, together with the costs of this notice and service thereof as below, in default whereof, execution will issue against your goods and chattels.

A. B.
Secretary-Treasurer.

COSTS.
Notice.....$

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CAP. LXV.

An Act relating to Registrations affecting Lands and Tenements in the Parishes of Ste. Foye, l'Ancienne Lorette and Saint Ambroise.

[*Assented to 4th May*, 1859.]

HER Majesty, by and with the advice and consent of the Legislative Council and Assembly of Canada, enacts as follows; Preamble.

1. The Registry Office for the Registration Divison of Quebec shall be the Registry Office for the whole of each of the Parishes of Sainte Foye, l'Ancienne Lorette and Saint Ambroise, in the District of Quebec. Registry Office for Division of Quebec.

2. This Act shall not have any retroactive effect, import or meaning; but the rights of all parties who have effected registrations either at the Registry Office for the Registration Division of Quebec, or at the Registry Office for the County of Portneuf, shall be determined by the Courts of Justice according to the real import or construction of previous Acts, so that this Act shall not in any way affect or influence such determination. Act not retroactive, &c.

CAP. LXVI.

An Act to protect the rights of parties affected by the loss by fire of the Registers of Baptisms, Marriages, and Burials, in the Parish of St. George d'Aubert Gallion, in the County of Beauce.

[*Assented to 4th May*, 1859.]

WHEREAS the Parsonage House (*Presbytère*) of the Parish of St. George d'Aubert Gallion, in the County of Beauce, was consumed by fire on the second day of February, one thousand eight hundred and fifty-nine, together with the original Registers of Baptisms, Marriages, and Burials of the said Parish, as well as the duplicates of the said registers for the preceding year, made in accordance with the law in that behalf, and therein deposited temporarily for safe-keeping; And whereas it is right and necessary to prevent the confusion and serious loss which may result to families and individuals whose status and civil rights may be affected or impaired by the destruction of the said Registers; Therefore, Her Majesty, by and with the advice and consent of the Legislative Council and Assembly of Canada, enacts as follows: Preamble.

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Prothonotary of Quebec to make and transmit to the Curé of St. George a duplicate of former Registers.

1. It shall be the duty of the Prothonotary of the Superior Court at Quebec to cause to be made a true and faithful transcript of all the entries contained in the duplicate Registers of Births, Marriages, and Burials of the said Parish, deposited of record in the office of the said Prothonotary previously to the destruction by fire of the said original Registers such transcript to be made and entered in books to be duly authenticated and paraphe'd in the manner prescribed by law with regard to books in which Registers of Baptisms, Marriages, and Burials are to be kept, and to be certified under the hand of the said Prothonotary as such true and faithful transcript, and to be delivered to the Priest or Curé of the said Parish for the time being or other person entitled by law to the custody of the Registers of the said Parish, and to be kept in the Archives of the *fabrique* thereof; And all extracts from the said transcripts, being certified by the Priest, Curé, or other person having the legal custody of the said Registers, shall be legal evidence of the facts mentioned in such extracts, and shall have the same force and effect to all intents and purposes as if the same had been made in due and regular time and form agreeably to the law of Lower Canada, saving to the adverse parties the right of impeaching and rebutting such evidence.

Effect of such duplicate and extracts therefrom.

Curé and his successors in office to be Commissioners for collecting evidence to form a new Register, &c.

2. The Reverend Godefroi Gaudin, the Curé of the said Parish, and the person or persons succeeding him and officiating therein as Priest, Curé, Vicar, or Missionary thereof during the time of the carrying into execution of the provisions of this Act, are respectively and each of them is hereby constituted a Commissioner for the purposes of this Act and authorized forthwith to proceed to ascertain, in the manner hereinafter mentioned, all the Baptisms, Marriages and Burials which took place in the said Parish during the period which elapsed between the deposit of the last duplicate Registers in the office of the said Prothonotary, and the day of the date of the said fire, and thereupon to make an entry and entries thereof in new books, original and duplicate, to be numbered and paraphe'd in the usual manner required by law.

Notice by Commissioner requiring the production of evidence, &c.

3. It shall be the duty of the said reverend Godefroi Gaudin or other officiating Priest, Curé, Vicar or Missionary of the said Parish, to give due notice of the purport of the present Act, and to require all persons interested in or capable of supplying the loss of the said original Registers, to appear before him at such time and place as he may, by written notice, appoint to that effect, and to bring with them and produce to him all extracts or certificates of Baptisms, Marriages and Burials, during the period for which the Registers have been destroyed as aforesaid, and all family records and entries of such Baptisms, Marriages and Burials in their control, and to give such evidence upon oath, as they may possess and as may be required of them, touching any Baptism, Marriage or Burial in the said Parish, during the said period; and the Commissioner shall have full power to administer the necessary oath to any person so to be examined.

4.

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4. Upon proof on oath as aforesaid, by one or more witnesses, or other evidence of the occurrence of any such Baptism, Marriage or Burial in the said Parish, within the said period, the Commissioner shall make a duplicate entry thereof in duplicate Registers, and each duplicate entry shall be signed by himself and by the witnesses sworn and examined by him, and if they cannot sign, mention shall be made of that fact and of the cause thereof, and also, of any extract from the Registers destroyed or other written proof produced by any such witness; and any certified copy of any such entry shall be *primâ facie* evidence of the truth of the facts therein stated, according to its true intent and meaning, and shall, unless shown to be untrue, have the same force and effect at all intents and purposes, as if the same had been made in due and regular form agreeably to the laws of Lower Canada in that behalf; Provided that in any case of a Baptism, Marriage or Burial occurring within the said period and not duly proved and entered in the said new Registers, nothing in this Act contained shall be construed to prevent the proof thereof in any manner by law allowed.

Entries to be made in new Registers on due proof.

Their effect.

Proviso.

5. Provided always, that if any person shall knowingly and wilfully make a false statement upon oath respecting any of the matters aforesaid, and be thereof lawfully convicted, such person shall be deemed guilty of wilful and corrupt perjury and punished accordingly; and provided also, that if any person shall wilfully and fraudulently forge any record, entry or note or written memorandum of any such Baptism, Marriage or Burial, or alter, erase, obliterate, falsify or counterfeit the same, or shall publish, offer, alter or put off the same, knowing it to be forged, altered, erased, obliterated, falsified or counterfeited, for the purpose of causing a false entry to be made in the said new Registers, or of causing any true and lawful entry to be omitted therefrom, he shall be guilty of felony, and being convicted thereof, shall be liable, at the discretion of the Court, to be confined in the Provincial Penitentiary, for a period not less than two nor more than ten years.

Wilfully false statements by such witnesses to be perjury, &c.

6. Upon the completion of the said duplicates of Registers by the said Prothonotary, the same shall be marked and labelled "New Duplicate of Registers of Baptisms, Marriages and Burials, &c., (*as the case may be*) for the Parish of St. George d'Aubert Gallion, for the year" (*insert the year*), made pursuant to" *this Act, setting forth its title and date;* and upon the completion of the duplicate Registers by the said Commissioner, the same shall be respectively labelled in like manner according to the fact, and one duplicate shall be deposited in the office of the said Prothonotary, and the other shall remain among the archives of the said Parish, and every certificate of an extract from either of the said new Registers shall particularly designate the Register from which the same has been made, by the name and label thereof.

Completion and labelling of the new Registers.

Deposit of duplicates.

Extracts therefrom.

7. This Act shall be deemed a Public Act.

Public Act.

CAP.

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CAP. LXVII.

An Act to alter the limits of the Township of North Halifax, in the County of Megantic.

[*Assented to 4th May*, 1859.]

Preamble.

WHEREAS by the Act passed in the twentieth year of Her Majesty's Reign, chapter one hundred and thirty-four, that part of the thirteenth range of the Township of Arthabaska, situate to the north of the Rivière du Loup, was detached from the Township and County of Arthabaska, and annexed to the Township of North Halifax, in the County of Megantic, for all parochial, municipal, electoral, judicial and registration purposes; And whereas it appears that it is, from local circumstances, highly desirable for the convenience of the inhabitants, that the remainder of the said range should be also annexed to the Township of North Halifax: Therefore, Her Majesty, by and with the advice and consent of the Legislative Council and Assembly of Canada, enacts as follows:

South part of Range 13 of Arthabaska annexed to North Halifax.

1. From and after the first day of January, one thousand eight hundred and sixty, the remainder of the said thirteenth range of the Township of Arthabaska, that is to say, all that part of the said range situate south of the Rivière du Loup, shall be detached from the said Township of Arthabaska, and shall be annexed to and form part of the said Township of North Halifax and County of Megantic, for all school, municipal, electoral, judicial, registration, and other civil purposes, in like manner as that part of the said range, situate north of the said Rivière du Loup, is annexed to and now forms part of the said Township of North Halifax, by virtue of the Act above cited.

Proviso: as to debts and pending suits.

2. This Act shall not have the effect of discharging the portion of the Township of Arthabaska detached therefrom by virtue of this Act, from any school or municipal debt contracted while it remained part of the said Township; nor shall this Act affect any suit or proceeding pending on the said first day of January, one thousand eight hundred and sixty, but the same shall be continued to judgment and execution, and as to proceedings after execution, as if this Act had not been passed; Nor shall this Act, nor yet the Act mentioned in the preamble hereto, be held to affect the limits of the Roman Catholic Dioceses of Quebec and Three-Rivers respectively, nor the limits assigned to the parishes of Ste. Sophie d'Halifax and St. Norbert d'Arthabaska, by the civil and canonical erection thereof respectively, nor any right whatever arising out of such erection of the said parishes.

Act not to affect limits of certain Dioceses and parishes.

Public Act.

3. This Act shall be deemed a Public Act.

CAP.

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CAP. LXVIII.

An Act to divide the Township of Wotton, in the County of Wolfe, into two distinct Municipalities.

[*Assented to 4th May*, 1859.]

WHEREAS it is expedient to separate the Township of Wotton, in the County of Wolfe, into two distinct Municipalities, inasmuch as such division of the said Township will greatly promote the welfare and convenience of its inhabitants: Therefore, Her Majesty, by and with the advice and consent of the Legislative Council and Assembly of Canada, enacts as follows: Preamble.

1. Upon, from and after the first day of January, one thousand eight hundred and sixty, the ninth, tenth, eleventh, twelfth, thirteenth and fourteenth Ranges of the said Township of Wotton, shall constitute a separate Township or Municipality by the name of the Township of St. Camille, and the said Township of St. Camille shall hereafter be deemed to be such separate Municipality for all Municipal, School, Judicial and other purposes whatsoever, in the same manner, and to all intents and purposes as though the said Township of St. Camille had always been distinct from and had never formed part of the said Township of Wotton, and shall enjoy all the rights and privileges appertaining to other Townships in Lower Canada, and the remainder of the said Township shall remain as at present, and form the Municipality and Township of Wotton. Township of St. Camille constituted out of part of Wotton.

2. All and every the debts of the present Municipality of Wotton shall be divided between the respective Municipalities of Wotton and of St. Camille, by a By-law to be passed by the County Council to that effect, and as soon as the said debts shall have been divided as aforesaid, each of the said Municipalities shall be bound to the payment of the share of the said debts which shall have been so assigned to it as aforesaid, as though such share of the said debts had been incurred by such Municipalities. County Council to pass a By-law as to debt of Wotton.

3. This Act shall be deemed a Public Act. Public Act.

CAP.

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CAP. LXIX.

An Act to amend the *Lower Canada Municipal and Road Act of* 1855, and to divide the Township of Bagot, in the County of Chicoutimi, into two separate Municipalities.

[*Assented to 4th May*, 1859.]

Preamble.

WHEREAS it is expedient to amend the *Lower Canada Municipal and Road Act of* 1855, by dividing the Township of Bagot into two separate Municipalities: Therefore, Her Majesty, by and with the advice and consent of the Legislative Council and Assembly of Canada, enacts as follows:

Township of Bagot divided into two Municipalities.

1. From and after the first day of May, in the year of our Lord, one thousand eight hundred and fifty-nine, the present Municipality of the Township of Bagot, in the County of Chicoutimi, shall be divided, and the said present Municipality of the Township of Bagot shall be composed of the Parish of St. Alphonse de Liguori, as erected by Canonical Decree, under the name of the "Municipality of Bagotville, north-west division of the Township of Bagot," and the remainder of the said Municipality of the Township of Bagot, situated to the south-east of the Rivière-à-Mars and Ha! Ha! Bay, shall form a new Municipality for all the purposes of the *Lower Canada Municipal and Road Act of* 1855, and the Acts amending the same, under the name of the "Municipality of Grande Baie."

First election in each Municipality.

2. Within three months after the passing of this Act, an election of Councillors shall be held in each of the said Municipalities, upon notice to that effect given in each by three qualified electors, and seven Councillors shall be elected to form the Council of each of the said Municipalities, in the manner prescribed by the said *Lower Canada Municipal and Road Act of* 1855, and the Acts amending the same, and they shall be invested with all the powers conferred by the said Acts on Local Councils.

Powers of the Councils.

Division of present funds.

3. The funds belonging to the present Municipality of Bagot shall be divided between the two Municipalities formed out of it, and its debts shall be paid by them in proportion to the assessment roll for each Municipality, and the assets shall be collected by the Municipality of Bagot, which shall from time to time account for the share of the Municipality of Grande Baie.

Public Act.

4. This Act shall be deemed a Public Act.

CAP.

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CAP. LXX.

An Act to change the limits of the Municipality of Lake St. John, and to divide the same into two.

[*Assented to 4th May*, 1859.]

Preamble.

WHEREAS it is necessary, from the great distance existing between its present limits and the want of roads of communication in the Municipality of Lake St. John, to amend the Act of the nineteenth year of Her Majesty's Reign, chapter seventy-one, and to alter the limits of the said Municipality: Therefore, Her Majesty, by and with the advice and consent of the Legislative Council and Assembly of Canada, enacts as follows:

Divisions of the Municipality and *chef-lieu*.

1. From and after the passing of this Act, the Municipality of Lake St. John shall be divided into two separate divisions; the first division shall be called the Municipality of Hébertville, and shall comprise and include the Townships of Kinogami, Mesy, Labarre, Plessis, Signay and Caron, and shall have its *chef-lieu* at Hébertville, in the Township of Labarre; and the second division shall be called the Municipality of Roberval, and shall comprise and include the Townships of Metabetchouan, Charlevoix, Roberval, Indian Lands of Ouiatchouan, and any other Townships that may be surveyed to the west, or settlements that may be opened before a survey takes place, and shall have as its *chef-lieu* a site to be chosen by the Local Council thereof in the Township of Roberval; and each of the said Municipalities shall have the powers of a local and of a County Municipality in like manner and subject to the like restrictions as the present Municipality of Lake St. John.

Divisions need not contain 300 souls, &c.

2. Each of the said Municipalities may be organized and may exercise all its powers and functions, although there may not be three hundred souls within its limits; and the qualification of Electors and Councillors shall be as in the Act above cited mentioned.

Election or appointment of Councillors.

3. The Councillors now elected for the Townships in the Municipality of Hébertville shall form the first Council thereof; and elections shall be held for Councillors of the Municipality of Roberval, as soon as may be found convenient after the passing of this Act, at a time and at places in each Municipality to be fixed by the Registrar of the County of Chicoutimi, who shall appoint the Returning Officers for such elections; and in default of such election in either Municipality within three months after the passing of this Act, the Governor shall appoint the Councillors under the Lower Canada Municipal and Road Act of 1855 and the Acts amending the same.

Public Act.

4. This Act shall be deemed a Public Act.

CAP.

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CAP. LXXI.

An Act to authorize the City of Toronto to issue Debentures for redeeming some of their outstanding Debentures, for which no Sinking Fund has been provided, and for other purposes.

[*Assented to 4th May*, 1859.]

Preamble.

WHEREAS the Corporation of the City of Toronto have petitioned to be authorized to issue a certain amount of Debentures for the purpose of redeeming a portion of the Debentures of the said City, for which no Sinking Fund has been established by law; And whereas the said Corporation have further petitioned to be authorized to redeem certain Debentures issued for the purchase of stock in the Grand Trunk Railway, as hereinafter mentioned: Therefore, Her Majesty, by and with the advice and consent of the Legislative Council and Assembly of Canada, enacts as follows:

Corporation may issue Debentures for $408,355 28, to redeem those hereinafter mentioned.

1. The Corporation of the City of Toronto may pass a by-law or by-laws for authorizing the issue of Debentures of the said City, for a sum not exceeding in the whole four hundred and eight thousand three hundred and fifty-five dollars and twenty-eight cents, to redeem certain Debentures numbered and falling due, and amounting to the said sum of four hundred and eight thousand three hundred and fifty-five dollars and twenty-eight cents, as herein mentioned, that is to say:

In **1859**—Numbers 258, 259, 268, 269, 270, 271, 272, 273, 274, 275, 276, 277, 278, 279, 280, 281, 291, 328, 336, 512, 513, 546, 560, 592, 632, 646, 685, 717, 718, 719, 720, 735, 737, 927, 948, 1314, 1354, 1366, 1379, 1384, 1385, 1389, 1392, 1401, 1436, 1467, 1468, 1496, 1540, 1541, 1544, 1546, 1557, 1562, 1881, 1882, 1883, 1926, 1928, 1930—amounting to..... $40,394 00

1860—Numbers 363, 514, 515, 516, 547, 561, 566, 593, 633, 680, 686, 697, 713, 721, 722, 732, 733, 734, 736, 928, 1343, 1344, 1345, 1381, 1386, 1387, 1388, 1469, 1470, 1521, 1528, 1563, 1573, 1590, 1598, 1603—amounting to..... 30,438 73

1861—Numbers 383, 517, 548, 562, 563, 570, 594, 595, 631, 634, 668, 695, 696, 702, 703, 723, 726, 728, 929, 1346, 1358, 1372, 1382, 1471, 1472, 1537, 1558, 1560, 1564, 1574, 1575, 1578, 1616, 1870, 1884, 1885, 1886, 1919—amounting to.... 25,767 86

1862.

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1862—Numbers 518, 527, 528, 529, 549, 564, 565, 596, 597, 598, 599, 635, 675, 681, 701, 724, 725, 727, 930, 1320, 1363, 1864, 1380, 1393, 1394, 1395, 1473, 1474, 1504, 1565, 1615, 1920, 1921, 1925—amounting to..... 17,637 79

1863—Numbers 530, 531, 532, 550, 600, 636, 659, 687, 931, 1321, 1360, 1361, 1365, 1396, 1397, 1398, 1475, 1476, 1566, 1602, 1922, 1997—amounting to..... 17,350 00

1864—Numbers 282, 283, 284, 285, 286, 287, 288, 289, 290, 291, 293, 294, 295, 296, 297, 298, 299, 300, 301, 302, 303, 304, 305, 306, 307, 308, 309, 310, 311, 312, 313, 314, 315, 316, 317, 318, 319, 320, 321, 322, 323, 324, 325, 326, 327, 329, 330, 331, 332, 333, 334, 335, 339, 340, 341, 342, 533, 551, 571, 601, 602, 637, 932, 1322, 1362, 1383, 1477, 1478, 1567, 1601, 1927, 1929—amounting to..... 63,318 00

1865—Numbers 337, 338, 343, 344, 375, 376, 377, 378, 379, 380, 534, 572, 603, 604, 638, 648, 933, 1325, 1326, 1327, 1437, 1438, 1439, 1440, 1444, 1479, 1499, 1539, 1543, 1579, 1604, 1605, 1923, 1924—amounting to..... 21,895 40

1866—Numbers 347, 348, 349, 350, 351, 352, 353, 354, 355, 356, 357, 358, 359, 360, 361, 362, 364, 365, 366, 367, 368, 369, 370, 371, 372, 373, 374, 381, 382, 384, 385, 386, 535, 568, 573, 605, 606, 607, 608, 647, 649, 660, 688, 692, 934, 1328, 1329, 1330, 1446, 1480, 1489, 1492, 1572, 1606, 1614, 1620, 1621, 1611, 1871, 1872, 1873, 1874, 1875, 1876, 1877, 1878, 1879, 1880—amounting to..... 44,723 00

1867—Numbers 387, 569, 574, 609, 610, 611, 612, 650, 661, 663, 935, 936, 1331, 1332, 1333, 1447, 1448, 1449, 1481, 1568, 1580—amounting to..... 16,430 00

1868—Numbers 388, 389, 390, 391, 392, 393, 394, 395, 396, 397, 398, 399, 575, 613, 625, 651, 662, 664, 937, 938, 1334, 1335, 1336, 1450, 1451, 1452, 1482, 1513, 1514, 1534, 1569, 1570—amounting to..... 20,497 50

1869—Numbers 400, 401, 402, 403, 404, 405, 406, 407, 408, 409, 414, 415, 416, 417, 418, 419, 420, 421, 436, 437, 447, 448, 449, 450, 452, 460, 461, 576, 614, 626, 652, 665, 670, 671, 689, 939, 940, 1337, 1338, 1339, 1441, 1445, 1483, 1490, 1530, 1538, 1571, 1586—amounting to 23,687 00

1870.

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1870—Numbers 410, 411, 412, 413, 422, 423, 424, 425, 426, 427, 428, 429, 430, 431, 432, 433, 434, 435, 438, 439, 440, 441, 442, 443, 444, 445, 446, 451, 453, 454, 455, 456, 457, 458, 459, 462, 463, 464, 465, 466, 467, 501, 502, 503, 504, 505, 506, 536, 537, 538, 539, 540, 541, 542, 543, 544, 545, 567, 577, 578, 583, 584, 627, 653, 654, 655, 666, 672, 690, 729, 781, 941, 942, 1340, 1341, 1342, 1442, 1453, 1484, 1559—amounting to.... 33,600 40

1871—Numbers 579, 580, 581, 628, 656, 657, 658, 667, 673, 691, 730, 943, 944, 1323, 1422, 1443, 1485, 1548, 1549, 1550, 1551, 1552, 1553, 1554—amounting to..... 16,003 62

1872—Numbers 945, 946, 1347, 1348, 1418, 1419, 1420, 1421, 1486, 1508, 1555, 1556—amounting to..... 13,670 00

1873—Numbers 1413, 1414, 1415, 1416, 1417, 1487, 1509—amounting to..... 10,140 00

1874—Numbers 1488, 1510—amounting to..... 4,800 00

1875—None.

1876—Numbers 1613, 1864, 1865, 1866—amounting to..... 8,000 00

$408,355 28

When and how such Debentures shall be made payable.

2. The debentures, issued under the preceding section of this Act, shall be made payable at not more than thirty years after the date thereof, and at such place or places in this country or elsewhere, and for such sum or sums not less than one hundred dollars, and in Provincial or other currency, as the Corporation shall think fit.

Special rate to be raised.

3. The by-law or by-laws authorizing the issue shall provide for the raising of such a yearly special rate as will be required to pay the yearly interest, and such a yearly instalment or proportion of the principal sum according to the number of years the Debentures have to run, as will be sufficient to pay off the principal sum when it falls due.

Sinking Fund to be formed, &c.

4. The annual amount so raised by assessment shall, after the payment of the interest, be invested in such manner as the Governor in Council may direct, for the purpose of creating a sinking fund for the redemption of the principal of such debentures as they respectively become due, the interest upon such investment to be applied to the general purposes of the City.

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5. The proceeds of the debentures aforesaid shall be applied in the redemption of the debentures issued by the City, and respectively falling due as enumerated in the first section of this Act, and for no other purpose whatsoever.

Application of proceeds of Debentures.

6. If the debentures issued under the first section of this Act, should sell for more than par, or if from the value or rate of exchange between the place of their sale and this place, or from any other cause, there should be obtained a larger sum than is required for the liquidation of the above recited debentures, then such surplus shall be applied on account of the sinking fund, but if there is from any cause a deficiency, the said deficiency shall be made up from the general revenue of the City.

Application of surplus, if the Debentures sell above par.

Making good any deficiency.

7. The Corporation may also pass a by-law or by-laws for authorizing the sale or exchange in this country or elsewhere, of twenty thousand shares of the capital stock in the Toronto and Guelph Railway Company, since amalgamated with the Grand Trunk Railway Company of Canada, and now constituting in the last named Company, three thousand two hundred and eighty-eight shares, of twenty-five pounds sterling each, amounting in all to eighty-two thousand and two hundred pounds sterling, and held by the City, for cash or for the debentures, or for such portion of the same, as were issued by the City for the purchase of the said stock, as may be agreed upon between the said City and the holders of said debentures.

Corporation may dispose of certain Railway Stock, &c.

8. If the stock is sold for cash, then the proceeds of such sale shall be invested in such security as the Governor in Council may direct, and the capital sum so invested, with all interest accruing therefrom, shall be applied towards the interest and redemption of the debentures last aforesaid.

Investment if the Stock is sold for cash.

9. If the stock is exchanged for the debentures, or any portion of them, such debentures or such portion shall be cancelled accordingly.

If exchanged for Debentures.

10. In case upon any exchange the amount of debentures received is less than the total amount of debentures issued, the Corporation may redeem such residue by the issue of new debentures, payable in such sums and at such times, not exceeding thirty years, as the Council may think fit, and the residue of debentures so redeemed shall be cancelled accordingly.

If they are exchanged at less than par, residue of Debentures to be redeemed.

11. Any by-law authorizing the issuing of debentures under this Act shall be valid, without submitting the same to a vote of the rate-payers.

Consent of rate-payers not required.

12. This Act shall be deemed to be a Public Act.

Public Act.

CAP.

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CAP. LXXII.

An Act to consolidate the debt of the Town of Cobourg, and to authorize the issue of Debentures on the security of the Town property, and for other purposes.

[*Assented to 4th May*, 1859.]

Preamble.

WHEREAS the Town of Cobourg has incurred debts and liabilities, amounting in all to the sum of forty-six thousand one hundred and thirty-four pounds, four shillings, for the erection of a Town Hall, the purchase, repair, and extension of the Harbour and other local improvements within the said Town, and the corporation have petitioned to have all the said debts and liabilities consolidated, and that Debentures may be issued by the said corporation upon the security of the Town property, in order to raise funds for the liquidation of the said liabilities: Therefore, Her Majesty, by and with the advice and consent of the Legislative Council and Assembly of Canada, enacts as follows:

Certain town property vested in Commissioners in trust.

1. The Town Hall and Market Block, in the said Town of Cobourg, the Harbour, Wharves, Piers and appurtenances thereto belonging, and the Port Hope and Rice Lake gravel road, shall be, and the same are hereby declared to be vested in five Commissioners, to be held in fee simple upon the Trust hereinafter declared, and the said Trustees shall be called "The Commissioners of the Cobourg Town Trust."

The trust declared.

2. The said property shall be held by the said Commissioners exclusively in Trust out of the rents, dues, revenues and profits thereof, to pay in the first place all reasonable expenses of managing the said Trust, also, all necessary moneys that may be required to keep the said properties in good order, usefulness and repair, and to insure the buildings against loss by fire, for such an amount as they the said Commissioners shall deem advisable, and secondly, to pay all interest moneys to become due on the Debentures hereinafter mentioned, and thirdly, to establish a Sinking Fund for the payment of the principal debt.

Town Council may raise £50,000 by loan.

3. It shall be lawful for the said Commissioners to raise, by way of Loan upon the credit of the Debentures hereinafter mentioned, from any person or persons, body or bodies corporate, either in this Province, in Great Britain, or elsewhere, a sum of money not exceeding the sum of fifty thousand pounds of sterling money of Great Britain.

Mayor and Council to issue Debentures, form, &c.

4. It shall be lawful for the Mayor and Town Council for the time being to cause to be issued Debentures under the seal of the said Corporation, to be signed by the Mayor and countersigned by the Treasurer of the said Town and the Secretary of

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of the said Commissioners, in such sums either in sterling or current money, or part in one and part in the other, not exceeding, in the whole, the sum of fifty thousand pounds sterling, as the Town Council shall from time to time direct and appoint; and the principal moneys and interest secured by the said Debentures shall be made payable either in this Province, in Great Britain, or elsewhere, or part in one place and part in another, and at such times as the said Council shall deem expedient; and further, the said Debentures shall, on the face thereof, respectively express that they are secured on the property aforesaid.

How the Debentures shall be disposed of, &c.

5. It shall be lawful for the said Commissioners either to exchange such Debentures for outstanding Harbour or other Debentures, or to pay the same to contractors and others holding claims against the said Town, or to negotiate the same as aforesaid, and also to issue new Debentures, if required, from time to time, upon which to raise funds to retire those which shall be outstanding; Provided that a larger amount than the said sum of fifty thousand pounds sterling shall not be at any time chargeable against the said Trust property.

Never to exceed £50,000.

Special rate to be levied for paying the Debentures.

6. In addition to the security of the rents, dues, revenues and profits aforesaid, the Corporation shall levy a special rate of one shilling and three pence in the pound upon all the taxable property in the said Town, (the annual value of which amounts, according to the assessment of last year, to thirty-three thousand eight hundred and six pounds, eight shillings and three pence) yearly and every year, at the same time and in the same manner as the ordinary assessments are collected, until the whole of the said Debentures are paid; and the moneys so collected shall be paid over by the said Corporation to the said Commissioners, to be by them exclusively applied, along with the rents, dues and profits aforesaid, in the first place, towards the liquidation of the interest accruing on the said Debentures, and secondly, to establish a Sinking Fund of one per cent per annum on the amount of outstanding Debentures, the same to be invested by the Trust Commissioners in Government Securities, and the surplus, if any, to be repaid to the said Corporation for Town purposes: And the Harbour shall be under the control of the said Commissioners, who shall use and exercise all the powers and duties respecting the same and respecting the regulation and collection of the Harbour dues, the appointment of officers, and generally all other powers which are now possessed by the said Corporation.

How to be applied.

Proviso: as to Harbour.

Harbour dues to be paid over to the Commissioners.

Commissioners named.

7. The following persons shall be the Commissioners of the said Trust, as soon as this Act shall go into operation, that is to say: the Honorable George Strange Boulton, Ebenezer Perry, Sidney Smith, Andrew Jeffrey and Asa A. Burnham, all of Cobourg aforesaid; and they shall hold all the said property in fee simple upon the trusts aforesaid.

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Vacancies to be filled by the Town Council.

8. In the event of the death, removal, absence or resignation of any of the said Commissioners, the vacancy or vacancies shall be filled from time to time by the Town Council, who shall have power at any meeting specially called for that purpose, to appoint a new Commissioner in the room of any Commissioner so dying, removing or absenting himself from the town, or resigning his office, and thereupon the said property shall vest in such new Commissioner along with the Commissioner or Commissioners who shall still retain office, upon the same trusts as are hereinbefore declared.

No further debt to be incurred by the Corporation.

Proviso.

9. It shall not be lawful for the said corporation to incur any further debt or liability beyond the current expenses, to be paid for out of the annual assessment, without the sanction of the Legislature; and any such contract or undertaking by the said Corporation shall be utterly void and of no effect; Provided, nevertheless, that the members of the said Corporation, who shall authorize any such contract or undertaking, shall be held personally liable therefor.

Inconsistent enactments repealed.

Saving Proviso.

10. So much of the Act of the Parliament of Canada, passed in the session held in the thirteenth and fourteenth years of Her Majesty's reign, chapter eighty-three, as is inconsistent with this Act, and all other Acts or parts of Acts inconsistent with this Act, so far only as the same are applicable to the Town of Cobourg, are hereby repealed; Provided always, that nothing herein shall affect, prejudice or delay any lien, claim or security upon the said property or the said town, but the same shall stand good and unaffected hereby until satisfaction is made by means of the debentures so to be issued as aforesaid or otherwise.

Corporation to be liable beyond the property and special rate pledged as aforesaid.

11. Notwithstanding any thing herein contained, the said debentures, so to be issued as aforesaid, shall not be confined to the security of the said property, but the same shall be chargeable against the inhabitants and rate-payers generally, and may be sued and collected in the same manner as debts due by municipalities, under the existing laws.

Certain Courts to be held in the Town Hall of Cobourg after Proclamation.

12. It shall be lawful for the Governor in Council, by a proclamation to be published in the *Canada Gazette* upon application by the County Council of the United Counties of Northumberland and Durham, to direct and appoint that from and after a day to be named in such proclamation, the sittings of the several Courts of Assize and Nisi Prius, Oyer and Terminer and General Gaol Delivery, and General Quarter Sessions of the Peace, and the County Court for the United Counties of Northumberland and Durham, shall be holden in the Town Hall in and for the Town of Cobourg; and from and after such day the sittings of the said Courts may be lawfully holden in the said Town Hall, and the same shall be to all intents

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intents and purposes the Court House for the said United Counties.

13. To fix the compensation to be paid by the said United Counties for the use of the Town Hall, or so much thereof as may be used or required for the purposes aforesaid, if the said Commissioners and the said County Council cannot agree thereon, one indifferent person shall be named by the County Council of the said Counties, one by the said Commissioners, and they two shall name a third, who, or a majority of them, shall have the right, upon such proclamation being issued, to fix the amount of such compensation; but the said Counties shall not, nor shall either of them in any way, be liable for the cost of constructing the said Town Hall or any part thereof.

How the compensation for the use of the Town Hall shall be fixed, if not agreed upon by the Commissioners and the County.

14. The said Commissioners shall have power to make any leases of the said properties, or any or either of them or any part thereof, and to collect the rents and apply the same to the purposes aforesaid.

Council may lease the property pledged.

15. This Act shall be a Public Act.

Public Act.

CAP. LXXIII.

An Act to consolidate the debt of the Town of Galt.

[*Assented to 4th May*, 1859.]

WHEREAS the Corporation of the Town of Galt have petitioned to be authorized by law to borrow on the debentures of the said Town a sum not exceeding sixty-four thousand dollars, for certain purposes and under certain restrictions in the said petition set forth, and it is expedient that the prayer of their said petition should be granted: Therefore, Her Majesty, by and with the advice and consent of the Legislative Council and Assembly of Canada, enacts as follows:

Preamble

1. It shall be lawful to and for the Mayor and Council of the said Town of Galt to raise by way of loan upon the credit of the debentures hereinafter mentioned, from any person or persons, body or bodies corporate, either in this Province or in Great Britain or elsewhere, who may be willing to lend the same, a sum of money not exceeding the sum of sixty-four thousand dollars of lawful money of Canada.

Council may raise not exceeding £16,000 by loan.

2. It shall be lawful for the Mayor of the said Town of Galt, from time to time, to cause to be issued debentures of the said Town under the Corporation seal, signed by the Mayor and countersigned by the Treasurer of the said Town for the time being, in such sums not exceeding in the whole the said sum of sixty-four thousand dollars, as the Council shall direct and appoint,

Mayor to issue Debentures under direction of Council.

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appoint, and the principal sum secured by the said debentures and the interest accruing thereon, shall be made payable either in this Province, in Great Britain or elsewhere, as the said Council shall deem expedient or necessary.

Application of said loan to redemption of outstanding Debentures.

3. So much of the said loan so to be raised as aforesaid as shall be necessary for the purpose, shall be applied by the said Mayor and Council of the said Town of Galt to the redemption of the outstanding debentures thereof; And the Treasurer of the said Town is hereby authorized and empowered, on receiving instruction so to do from the Town Council, to call in such outstanding Debentures, and to discharge the same with the funds raised under this Act or to cause to be substituted therefor Debentures to be issued under this Act, as may be agreed by and between the said Corporation and the holders of such outstanding Debentures.

Special rate for discharge of Debentures issued under this Act.

4. For the payment, satisfaction and discharge of the Debentures to be issued by virtue of this Act, it shall and may be lawful for the Council of the said Town of Galt, and they are hereby required to impose a special rate per annum, (over and above and in addition to all other rates to be levied in each year, and over and above the interest to be payable on such debentures) which shall be sufficient to form a sinking fund of two per cent. per annum for that purpose.

How moneys so raised shall be invested

5. It shall be the duty of the Treasurer of the said Town of Galt, from time to time, to invest all sums of money raised by special rate for the sinking fund provided in this Act, either in the debentures provided for by this Act, or in any debentures issued by the Government of Canada, or in such other securities as the Governor of this Province shall by Order in Council direct or appoint, and to apply all dividends or interest on the said sinking fund to the extinction of the debt created by this Act.

Council may repeal previous By-laws authorizing special rates, when the Debentures are redeemed.

6. For and notwithstanding any provision, clause, matter or thing contained in any Act of the Parliament of this Province to the contrary, it shall and may be lawful for the Council of the said Town of Galt, after having called in and paid such outstanding debentures, to repeal the By-laws of the said Council or of the Council of the late Village of Galt, authorizing the levying of special rates for the purpose of paying and satisfying the same.

Certain provisions of 18, 20 V. c. 133, not to apply to this Act.

7. The provisions of the Statute of this Province, passed in the eighteenth year of Her Majesty's Reign, chaptered one hundred and thirty-three, and intituled, *An Act to require that all By-laws of City, Town, Village or Township Councils in Upper Canada, for raising money upon the credit of such City, Town, Village or Township Corporations, shall be approved by a majority of the Municipal Electors before they come into force,* shall

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shall not apply to this Act, nor to any By-law or By-laws to be passed under the authority thereof.

8. This Act shall be deemed a Public Act. Public Act.

CAP. LXXIV.

An Act to enable the Municipal Corporation of the Town of Dundas to consolidate its debt, and to issue new Debentures for the redemption thereof.

[*Assented to 4th May*, 1859.]

WHEREAS the Municipal Corporation of the Town of Dundas, have, by their petition set forth, that their indebtedness by outstanding Debentures of the said Town and sundry open accounts, amounts, with the interest thereon, to one hundred and twenty-eight thousand one hundred and eleven dollars and thirty-three cents, which they desire to consolidate and discharge by the issue of new Debentures, in such sums and payable at such periods and places as they may deem advisable, and it is expedient that the prayer of their said petition should be granted; subject to their liability under the Consolidated Municipal Loan Fund Act: Therefore, Her Majesty, by and with the advice and consent of the Legislative Council and Assembly of Canada, enacts as follows: Preamble.

1. It shall and may be lawful for the said Corporation of the Town of Dundas, from time to time to call in the outstanding Debentures of the said Town, and to issue new Debentures under the Corporation Seal, signed by the Mayor, and countersigned by the Treasurer of the said Town of Dundas, for the time being, in such sums not exceeding in the whole the said aggregate sum of one hundred and twenty-eight thousand one hundred and eleven dollars and thirty-three cents, and payable at such periods as the said Corporation shall direct and appoint; and the principal sum or sums secured by the said new Debentures, and the interest accruing thereon, shall be made payable either in this Province, in Great Britain, or elsewhere, as the said Corporation shall deem expedient or necessary. The Corporation of Dundas may issue Debentures for $128,111 33c.

2. All funds that may be derived from the negotiation or sale of the said Debentures, or any of them so to be appropriated as aforesaid, shall, when received, be deposited by the Mayor of the said Town, for the time being, in any chartered or incorporated Bank or any of its agencies in this Province, on such conditions as the said Corporation shall from time to time agree upon, and shall only be withdrawn therefrom as they may from time to time be required for the payment and redemption of the said outstanding Debentures and debts, in the next preceding section of this Act mentioned. Proceeds to be deposited for the purposes of this Act.

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When outstanding Debentures are called in, By-laws authorizing them may be repealed.

3. For and notwithstanding any provision, clause, matter or thing contained in any Act of the Parliament of this Province to the contrary, it shall and may be lawful for the Corporation of the said Town of Dundas, after having called in the outstanding Debentures of the said Town, and having satisfied and discharged the same, to repeal all by-laws of the said Corporation authorizing the same, and declaring a special rate for the payment thereof.

Special rate for paying off the Debentures.

4. And for the payment, satisfaction and discharge of the Debentures to be issued by virtue of this Act, it shall and may be lawful for the Corporation of the said Town, in a by-law to be passed authorizing the issuing of the Debentures aforesaid, to impose a special rate per annum, to be called the "Consolidated Debenture Rate," (over and above and in addition to all other rates to be levied in each year,) which shall be sufficient to form a Sinking Fund of two per cent. per annum for that purpose.

Sinking Fund.

Mayor to invest the Sinking Fund.

5. It shall be the duty of the Mayor of the said Town of Dundas, from time to time, to invest all sums of money raised by special rate for the Sinking Fund provided in the next preceding section, either in the Debentures to be issued under this Act, or in any Debentures issued by the Government of Canada, or in such other securities as the Governor of this Province shall by Order in Council direct or appoint, and to apply all dividends or interest on the said Sinking Fund to the extinction of the said Debentures to be issued under this Act.

By-laws under this Act not to be repealed until the debt is paid.

6. Any by-law to be passed under the fourth section of this Act, authorizing the issue of the said Debentures, or any part thereof, shall not be repealed until the debt created thereby under this Act, and the interest thereon, shall be paid and satisfied, and the two hundred and twenty-second section of the Upper Canada Municipal Corporations Act shall extend to any by-law passed under this Act.

Act not to affect liability of Corporation under C. M. L. F. Acts.

7. Nothing in this Act shall in any way alter, affect or diminish the liability of the said Corporation in respect of Debentures issued on its behalf, on the security of the Consolidated Municipal Loan Fund of Upper Canada.

Public Act.

8. This Act shall be deemed a Public Act.

CAP.

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CAP. LXXV.

An Act to authorize the Corporation of the United Counties of Huron and Bruce to levy the rate imposed for Gravel Roads, by a certain By-law of the said United Counties.

[*Assented to 4th May*, 1859.]

Preamble.

WHEREAS the Municipal Corporation of the United Counties of Huron and Bruce did by By-law, passed by the said Corporation on the twenty-first day of June, in the year of our Lord one thousand eight hundred and fifty-six, authorize the issue of Debentures of the said United Counties, to the amount of one hundred thousand pounds, and did, for the payment of the interest thereon, and the sinking fund of two per cent. required by law, in and by the said By-law direct that a rate of one penny and thirteen twenty-fourths of a penny in the pound should be raised on the whole rateable property of the said United Counties, which for the previous financial year had been valued at the sum of one million four hundred and sixty-three thousand seven hundred and seventy-eight pounds; And whereas the sum estimated to be raised on the said value was eleven thousand pounds per annum, which is more than the said rate so directed to be imposed would produce, whereby the said By-law is rendered liable to grave doubts as to its legality; And whereas the present rateable value of the property of the said United Counties is upwards of two millions of pounds, and the imposition of the said rate in the said By-law, is sufficient to produce the said sum of eleven thousand pounds per annum on such valuation; And whereas large sums of money have been advanced by the said United Counties on the credit of the Debentures issued under the said By-law, and the said United Counties are desirous of keeping faith with their creditors, and have prayed for legislative relief in the premises, which it is desirable they should receive: Therefore, Her Majesty, by and with the advice and consent of the Legislative Council and Assembly of Canada, enacts as follows:

Notwithstanding any defect in the said By-law,—the special rate therein mentioned shall be levied until 1st August, 1876.

1. For and notwithstanding any defect in the said By-law, there shall be assessed, levied and raised upon the whole rateable property within the said United Counties of Huron and Bruce, for the purpose of providing for the payment of the Debentures issued under the said recited By-law, and the interest thereon, a special rate in each year, during the continuance of the said Debentures, or any part of them, over and above and in addition to all other rates and taxes whatever, that is to say, in each year from henceforth until and ending on the first day of August, one thousand eight hundred and seventy-six, one penny and thirteen twenty-fourth parts of a penny in the pound: and the same shall be applied according to the provisions made by the said recited By-law.

Public Act.

2. This Act shall be deemed a Public Act.

CAP.

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CAP. LXXVI.

An Act to sanction a certain agreement between the County of Wellington and the Townships of Waterloo, Wilmot, Woolwich and Wellesley, concerning the Guelph and Dundas Road Debt.

[*Assented to 4th May*, 1859.]

Preamble.

WHEREAS certain verdicts having been obtained by the Municipal Council of the County of Wellington, against the Municipalities of the Townships of Waterloo, Wilmot, Woolwich and Wellesley, for the shares of the debt incurred for the construction of the Guelph and Dundas Road, payable by the said Townships respectively up to the time of commencement of suit, the said Townships being also liable for their respective shares of the residue of the said debt, pursuant to the eighth section of the Act of the Parliament of this Province, passed during the Session thereof, held in the fourteenth and fifteenth years of Her Majesty's Reign, intituled, *An Act to make certain alterations in the Territorial Divisions of Upper Canada*, it was thereupon agreed by instrument, bearing date the Tenth day of November, one thousand eight hundred and fifty-eight, on the part of the said County, and the said Townships respectively,—that the amounts of the judgments founded on the said verdicts should be paid in three equal parts, the first on or before the first day of January, one thousand eight hundred and fifty-nine, the second on or before the first day of January, one thousand eight hundred and sixty, and the third on or before the First day of January, one thousand eight hundred and sixty-one, with interest on the whole of the said amounts,—that the total amount of the said Townships' shares of the said debt not included in the said verdicts should be reduced by the amount of one thousand five hundred pounds currency, the reduction to be apportioned among the said Townships in the same proportion as their respective liabilities, pursuant to the said section of the said cited Act, so as that each of the said Townships should have the benefit of a share of the said sum of one thousand five hundred pounds in that ratio, the said reduction to be applicable to the earliest maturing debentures constituting the said debt,—and that the lien, claim or claims of the said respective Townships on the said Guelph and Dundas Road should be entirely abandoned: Therefore, Her Majesty, by and with the advice and consent of the Legislative Council and Assembly of Canada, enacts as follows:

14, 15 V. c. 5.

Agreement confirmed.

1. The said agreement shall be deemed to be legal and binding upon all parties concerned.

Proportions in which the se-

2. The proportion of the assessment of the Township of Waterloo, for the year one thousand eight hundred and forty-eight, on

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on which the Corporations of the Town of Berlin and the Villages of Preston, Waterloo and Hespeler, shall be responsible for their respective shares of the amount paid and payable in respect of the said debt, shall be as follows: Berlin £8897 13s.,—Preston £7528,—Waterloo Village £5250,—Hespeler £2179: and the proportion of the assessment of the Township of Wilmot for the said year, on which the Corporation of the Village of New Hamburg shall be responsible for its share of the amount paid and payable in respect of the said debt, shall be £3086 18s.

veral Towns and Villages shall be responsible.

3. This Act shall be deemed a Public Act.

Public Act.

CAP. LXXVII.

An Act to enable the Corporation of the Township of Sarnia to purchase from the Crown a certain tract of land reclaimed by the Draining of Lake Wawanosh, and to dispose of the same.

[*Assented to 4th May*, 1859.]

Preamble.

WHEREAS by virtue of the Act twentieth Victoria, chapter one hundred and fifteen, the Township Council of the Township of Sarnia, in the County of Lambton, have expended a large sum of money in and about the draining of Lake Wawanosh, and by so doing have not only promoted the progress and settlement of the said Township, but have, at the same time, reclaimed from the said Lake several thousand acres of land; And whereas, with a view to indemnify to some extent the said Township for the outlay in the premises, it is expedient to authorize the Council thereof to purchase and hold of and from the Government of this Province, and to sell or otherwise dispose of, an extent not exceeding one thousand acres of the land so reclaimed as aforesaid: Therefore, Her Majesty, by and with the advice and consent of the Legislative Council and Assembly of Canada, enacts as follows:

Township may purchase one thousand acres of the land drained and dispose of the same, &c.

1. The Township Council of the Township of Sarnia, in the County of Lambton, may purchase from the Government of this Province, at a price to be fixed upon by the Governor in Council, and which price the Governor in Council is hereby authorized to fix, an extent not exceeding one thousand acres of the lands reclaimed by the draining of Lake Wawanosh, in the said Township; and the said lands may be granted accordingly to the Corporation of the said Township, and the purchase of the said lands shall be one of the purposes for which the said Corporation may raise moneys by assessment or otherwise, or may apply any of its funds; and the said Corporation may possess and hold the said lands so purchased, and may, whenever they deem it expedient, sell or otherwise depart with or dispose thereof, in like manner as they may by law

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law sell or dispose of other property, and upon such terms and conditions and with such mortgages upon the lands so sold, or other security for the purchase money or any portion thereof unpaid, as they may deem most advantageous and profitable; and the proceeds of the sale of such lands shall form part of the general funds of the Municipality of the said Township.

Public Act.

2. This Act shall be deemed a Public Act.

CAP. LXXVIII.

An Act to legalize the By-law number one hundred and thirty-seven, of the United Counties of Peterborough and Victoria, for raising a certain sum of money therein mentioned.

[*Assented to 4th May*, 1859.]

Preamble.

WHEREAS doubts have arisen as to the legality of the By-law number one hundred and thirty-seven of the County Council of the United Counties of Peterborough and Victoria, authorizing the issue of Debentures to the amount of six thousand pounds, for the purposes therein mentioned; And whereas Debentures have been issued under the said By-law, and the said Municipality hath petitioned to have such doubts removed and the said By-law declared valid: Therefore, Her Majesty, by and with the advice and consent of the Legislative Council and Assembly of Canada, enacts as follows:

The said By-law and Debentures issued under it declared valid.

1. The said By-law, for and notwithstanding such doubts and any irregularities in the passing of the said By-law, or matters preliminary thereto, or any insufficiency at law therein, either in substance or form, is hereby legalized and made valid, and shall be held to have been valid from the time of the passing thereof; and all Debentures issued and proceedings and dealings heretofore made and had, or hereafter to be made or had, under the said By-law, are also hereby declared legal and valid.

Public Act.

2. This Act shall be deemed a Public Act.

CAP. LXXIX.

An Act to detach a certain tract of land from Streetsville, and re-attach it to School Section twenty-two, in the Township of Toronto.

[*Assented to 4th May*, 1859.]

Preamble.

WHEREAS it has been shown by the petition of the Chairman of the Board of School Trustees of the Village of Streetsville, and the Trustees of the Union School Section twenty-two,

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two, in the Township of Toronto, that great injustice has been done by the detachment of the west halves of lots seven and eight, in the sixth concession of the Township of Toronto, from the said Union School Section: Therefore, Her Majesty, by and with the advice and consent of the Legislative Council and Assembly of Canada, enacts as follows:

1. From and after the passing of this Act the west halves of lots seven and eight, in the sixth concession of the Township of Toronto, shall be re-attached to the Union School Section number twenty-two, in the Township of Toronto, as heretofore, for Common School purposes. **Certain half lots re-attached to Section 22, Township of Toronto.**

2. The sum to be levied at any time by the Trustees of the said Union School, by assessment upon the taxable property in the said Township of Toronto, shall be the same as the sum to be levied by assessment upon the taxable property in the Township of Trafalgar, though the value of the rateable property in that part of the school section which lies in the one Township, should not be the same as the value of that part which lies in the other. **Sum levied for Union School to be the same in Toronto as in Trafalgar.**

3. This Act shall be deemed a Public Act. **Public Act.**

CAP. LXXX.

An Act to annex parts of the Townships of Sombra and Dawn, in the County of Lambton, to the Townships of Chatham and Camden, in the County of Kent.

[*Assented to 4th May*, 1859.]

Preamble. WHEREAS the fact that the river Sydenham should form the boundary between the Townships of Sombra and Dawn, in the County of Lambton, and the Townships of Chatham and Camden, in the County of Kent, has been found very inconvenient to the inhabitants whose lands are divided by it; And whereas the County of Lambton is much larger than the County of Kent, and it is expedient that the boundaries between the said Counties should be the line between the fourth and fifth concessions of Sombra and the lots ten and eleven in the several concessions of the Township of Dawn: Therefore, Her Majesty, by and with the advice and consent of the Legislative Council and Assembly of Canada, enacts as follows:

1. Upon, from and after the first day of January, one thousand eight hundred and sixty, all that portion of the Township of Sombra, in the County of Lambton, lying south of the line between the fourth and fifth concessions of that Township, shall be separated from Dawn and annexed to the North Gore of the Township of Chatham, in the County of Kent; and all that part **Part of Sombra annexed to Chatham;**

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And part of Dawn to Camden.

part of the Township of Dawn, in the said County of Lambton, lying south of the line between lots ten and eleven in all the concessions, in the said Township, shall be annexed to and form part of the Township of Camden, in the County of Kent.

As to debt of Kent and Lambton.

2. Those portions of the said Townships of Sombra and Dawn which are by this Act made part of the County of Kent shall not be chargeable with any portion of the debt of the said County at the time of the passing of this Act; and the same shall remain chargeable with all debts of the County of Lambton down to the time of the passing of this Act.

Copy of part of Assessment Roll of Dawn to be furnished to Clerk of Camden.

3. The Clerk of the Township of Dawn shall furnish to the Clerk of the said Township of Camden, a copy of the assessment roll of the Township of Dawn for the present year one thousand eight hundred and fifty-nine, so far as the same contains the rateable property assessed, and the names of the owners thereof, within that part of the said Township which will be hereby annexed to the Township of Camden, and such copy shall be furnished on demand of the said Clerk of Camden at any time after the passing of this Act.

And of that of Sombra to Clerk of Chatham.

4. The Clerk of the Township of Sombra shall furnish to the Clerk of the Township of Chatham a copy of the assessment roll of the Township of Sombra for the present year one thousand eight hundred and fifty-nine, so far as the same contains the rateable property assessed, and the names of the owners thereof, within that part of the said Township which will be hereby annexed to the said Township of Chatham, and such copy shall be furnished on demand of the said Clerk of the Township of Chatham, at any time after the passing of this Act.

Seats of present Councillors saved.

5. Nothing in this Act shall affect the seat of any Municipal Councillor elected in Sombra or Dawn before the passing of this Act.

Public Act.

6. This Act shall be deemed a Public Act.

CAP. LXXXI.

An Act to divide the Township of Williams into two Municipalities.

[*Assented to 4th May*, 1859.]

Preamble.

WHEREAS certain of the inhabitants of the Township of Williams, in the County of Middlesex, have, by their petition, represented that it would tend to encourage and promote the advancement and prosperity of the said Township to divide the same into two distinct Municipalities: Therefore, Her Majesty, by and with the advice and consent of the Legislative Council and Assembly of Canada, enacts as follows:

1.

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1. Upon, from and after the First day of January next after the passing of this Act, that part of the present Township of Williams, which lies to the west of the road passing through the said Township, and called and known as the Centre Road, shall form and become for all Municipal and Election purposes, a separate and independent Township and Municipality, to be called the "Township of West Williams," and shall be such separate Municipality for all Municipal, School, Judicial and other purposes whatsoever, in the same manner to all intents and purposes as though the said western section of the Township of Williams had never formed part of the said Township, and the said Township of West Williams hereby erected, shall enjoy and exercise all the rights, powers and privileges conferred by any Acts or Laws whatsoever, upon Township Municipalities in Upper Canada. **Township of West Williams constituted;**

2. The part of the Township of Williams as heretofore constituted, lying to the east of the said Centre Road, shall, on and after the said day, constitute a separate Township Municipality, by the name of the "Township of East Williams," and shall enjoy and exercise all the rights and privileges conferred upon Township Municipalities by the Acts and Laws in force in Upper Canada. **And of East Williams.**

3. The fifty-ninth, sixtieth, sixty-first, sixty-second, sixty-third and sixty-fourth sections of the Act respecting the Municipal Institutions of Upper Canada, shall apply to the division of the said Township as heretofore constituted, East Williams being reckoned the senior Township and West Williams the junior Township. **Certain sections of 22 V. c. 99 to apply.**

4. For the purposes of the First Municipal Elections after the passing of this Act, the Town Clerk for the Township of Williams as heretofore constituted, shall act as Returning Officer for the Township of East Williams, and the Reeve of the Township of Williams, as heretofore constituted, shall act as Returning Officer for the Township of West Williams; and the said Town Clerk and Reeve respectively shall procure, for the purpose of such Election, the necessary copies of so much of the Collector's Roll of the Township of Williams as relates to the inhabitants of the said new Townships respectively, as constituted by this Act; and the first Municipal Election for the township of East Williams, shall be held at such place in that Township as the Returning Officer therefor shall appoint, by public notice, posted up at not less than four public places in the Township, at least ten days before the Election; and the first Municipal Election for the Township of West Williams, shall be held at such place as the Returning Officer therefor shall appoint in the manner aforesaid. **First elections in the two new Townships.**

5. This Act shall be deemed a Public Act. **Public Act.**

CAP.

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CAP. LXXXII.

An Act to separate the front of the Township of Escott from the front of the Township of Yonge, in the United Counties of Leeds and Grenville, for Municipal and other purposes.

[*Assented to 4th May*, 1859.]

Preamble.

WHEREAS certain of the inhabitants of the Front of the Township of Escott have represented by their Petition, that their union with the Front of the Township of Yonge greatly retards the improvement, interest and prosperity of Escott, and have prayed for an Act to disunite and separate the Front of the Township of Escott from the Front of the Township of Yonge, and to erect the same into a separate municipality; And whereas it is desirable to grant the prayer of such Petition: Therefore, Her Majesty, by and with the advice and consent of the Legislative Council and Assembly of Canada, enacts as follows:

After 1st January, 1860, the front of Escott to be separated from the front of Yonge, and to be a separate Municipality.

1. Upon, from and after the first day of January next after the passing of this Act, the Front of the Township of Escott shall be disunited and separated from the Front of the Township of Yonge; and the broken front, and first, second, third, fourth, fifth and sixth concessions of the said Township of Escott, together with the Islands in the River St. Lawrence in front thereof, shall, for all municipal and election purposes, form and become a separate and independent Township and Municipality, to be called "The Township of the Front of Escott," and shall be such separate municipality for all municipal, school, judicial and other purposes whatsoever, in the same manner to all intents and purposes as though the said Front of the Township of Escott had never formed part of the "Front of Yonge and Escott," and shall enjoy and exercise all the rights, powers and privileges conferred by any Acts or Laws whatsoever upon Township Municipalities in Upper Canada.

The front of Yonge to be a separate Municipality.

2. The front of the Township of Yonge, as heretofore constituted as part of the Municipality of the "Front of Yonge and Escott," shall, on and after the said day, constitute a separate Township Municipality, by the name of the "Township of the Front of Yonge," and shall enjoy and exercise all the rights and privileges conferred upon Township Municipalities by the Acts and laws in force in Upper Canada.

Provisions of Municipal Act to apply as to present debts and obligations.

3. The fifty-ninth, sixtieth, sixty-first, sixty-second, sixty-third and sixty-fourth sections of the *Act respecting the Municipal Institutions of Upper Canada*, shall apply to the dissolution of the union between the said Front of Yonge and the said Front

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Front of Escott, the Front of Escott being reckoned the Junior Township, and the front of Yonge the Senior.

4. For the purposes of the first municipal Elections after the passing of this Act, the Town Clerk for the Front of Yonge and Escott shall act as Returning Officer for the Front of Yonge, and the Reeve of the Front of Yonge and Escott shall act as Returning Officer for the Front of Escott; and the said Town Clerk and Reeve respectively shall procure, for the purpose of such election, the necessary copies of so much of the Collector's roll of the Front of Yonge and Escott as relates to the inhabitants of the said new Townships respectively, as constituted by this Act; and the first Municipal Election for the Front of Yonge shall be held at such place in that Township as the Returning Officer therefor shall appoint, by public notice, posted up at not less than four public places in the Township, at least ten days before the election; and the first Municipal Election for the Front of Escott shall be held at such place as the Returning Officer therefor shall appoint in the manner aforesaid.

Who shall be Returning Officers in first Municipal Elections in the new Townships.

They shall procure copies of Collector's Rolls.

Places of Election.

5. This Act shall be deemed a Public Act.

Public Act.

CAP. LXXXIII.

An Act to confirm and establish the Road Allowances between Lots six and seven, and twelve and thirteen, from the River Thames to the line between the tenth and eleventh concessions of the Township of Howard, in the County of Kent.

[*Assented to 4th May*, 1859.]

WHEREAS the original posts planted in the allowances for roads between lots six and seven and twelve and thirteen, in the Township of Howard, in the County of Kent, have been lost, and great doubts exist as to the true position of these lines; And whereas the roads on these lines, as now travelled, were laid out and surveyed by Richard Parr and Albert Pellew Salter, Esquires, Deputy Provincial Surveyors, and cannot be altered without great loss and inconvenience to the inhabitants settled along the same; and it is therefore expedient to establish the said roads, as now travelled, upon the lines laid out by Messrs. Salter and Parr aforesaid: Therefore, Her Majesty, by and with the advice and consent of the Legislative Council and Assembly of Canada, enacts as follows:

Preamble.

1. The road allowance between lots numbers six and seven, in the said Township, as laid out by Albert Pellew Salter, Esquire, Deputy Provincial Surveyor, in the year one thousand eight hundred and fifty, from the River Thames to the eleventh concession inclusive, and upon which the road is now mostly made

Line drawn by A. P. Salter, between lots 6 and 7 firmed.

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made and travelled, is hereby confirmed and established as the true boundary between the said lots from the River Thames to the line between the tenth and eleventh concessions of the said Township, and shall be held to have been so from the time when it was so laid out.

Line between lots 12 and 13, confirmed.

2. The road allowance between lots numbers twelve and thirteen, as laid out in part by Richard Parr, Deputy Provincial Surveyor, in the year one thousand eight hundred and forty-six, and completed by Albert Pellew Salter, Esquire, Deputy Provincial Surveyor, in the year one thousand eight hundred and fifty, from the River Thames to the line between the tenth and eleventh concessions of the said Township, and upon which the road is now mostly made and travelled, is hereby confirmed and established as the true boundary between the said lots, from the River Thames to the line between the tenth and eleventh concessions of the said Township, and shall be held to have been so from the time it was so laid out.

Certain corner posts in the second concession, confirmed.

3. The posts or monuments marked, placed or planted by Alexander McIntosh, Deputy Provincial Surveyor, in the year eighteen hundred and thirty-seven, at the angles of any lots or parcels of land at the southern end of the lots in the second concession reckoned from the eastern boundary of the said Township of Howard, are hereby confirmed as the boundaries of the several lots in the south-half of the said second concession.

Public Act.

4. This Act shall be deemed a Public Act.

CAP. LXXXIV.

An Act to declare the mode in which the side lines of the lots in the Township of Torbolton, in the County of Carleton, shall be run.

[*Assented to 4th May*, 1859.]

Preamble.

WHEREAS by the petition of the inhabitants of the Township of Torbolton in the County of Carleton, it appears that great inconvenience has resulted from the running of the side lines between the lots parallel to the side lines of the Township, as required by the Act hereinafter mentioned; And whereas the said inhabitants have prayed that the side lines may be drawn from post to post without regard to the course of the side lines of the Township, and it is expedient under the circumstances aforesaid, to grant their prayer: Therefore, Her Majesty, by and with the advice and consent of the Legislative Council and Assembly of Canada, enacts as follows:

Side lines in Torbolton to

1. For and notwithstanding any thing to the contrary in the thirty-fifth, thirty-sixth and thirty-seventh sections of the Act passed

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passed in the twelfth year of Her Majesty's reign, and intituled, *An Act to repeal certain Acts therein mentioned, and to make better provision respecting the admission of Land Surveyors and the survey of lands in this Province*,—all the side lines between lots in the said Township of Torbolton shall be so drawn that the side line between any contiguous lots in any concession of the said Township, shall be a line drawn from the post at one end of the concession to the post planted at the same side of the lot bearing the same number at the other end of the concession; and any line so drawn shall be deemed to be the true side line of the lots between which it shall be drawn; subject nevertheless to the provisions of the said Act relative to the breadth of lots and the mode of ascertaining such breadth where the original posts or monuments cannot be found, which provisions shall in any such case apply equally to the posts or boundaries at both ends of the concession; Provided that in case any party should by reason of this Act suffer any injury or damage, such party shall be compensated by the party or parties benefitted by such change; the compensation so to be paid and the persons to pay and receive the same, shall be ascertained by a sworn Surveyor, appointed by the Commissioner of Crown Lands, and his decision, when approved of by the Commissioner of Crown Lands, shall be final.

be drawn from post to post, notwithstanding 12 V. c. 35.

Subject to certain provisions of the said Act when the posts cannot be found.

Proviso: compensation to be paid by parties benefitted, to parties losing by this Act.

2. This Act shall be deemed a Public Act.

Public Act.

CAP. LXXXV.

An Act to confirm the Survey of the Second Concession Line of the Township of Caistor.

[*Assented to 4th May*, 1859.]

WHEREAS the line in front of the second concession of the Township of Caistor was not drawn in the original Survey of the said Township; And whereas it appears from the Report of Provincial Land Surveyor, Andrew Hood, dated tenth March, one thousand eight hundred and fifty-eight, who was instructed by the Commissioner of Crown Lands, on the application of the Municipality of the said Township, to survey the said concession line, in conformity with the provisions of the Provincial Statutes, twelfth Victoria, chapter thirty-five, and eighteenth Victoria, chapter eighty-three, that if the line was so drawn it would interfere with the holdings of the proprietors of the lots in the said Second Concession, and in the First Concession; but whereas the said Provincial Land Surveyor, Andrew Hood, at the request of the said Municipality, has made a Survey of the Line in front of the said Second Concession, and planted monuments at the angles of the lots therein, in conformity with the holdings of the several proprietors of the lots in both Concessions, and the said proprietors

Preamble.

12 V. c. 35.

18 V. c. 83.

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proprietors have petitioned to have the said Survey established by authority of the Legislature, and it is expedient to comply with their request: Therefore, Her Majesty, by and with the advice and consent of the Legislative Council and Assembly of Canada, enacts as follows:

Line drawn by A. Hood declared valid, and also corner posts planted by him.

1. The Line surveyed by the said Provincial Land Surveyor, Andrew Hood, at the request of the said Municipality, shall be, and is hereby declared to be the true and unalterable front boundary line of the said Second Concession; and the monuments planted thereon by the said Provincial Land Surveyor, Andrew Hood, to designate the limits and angles of the respective lots shall be, and are hereby declared to be, the true and unalterable limits and angles of the respective lots in the said Second Concession, any law, usage or custom to the contrary thereof in any wise notwithstanding.

Copies of plan to be deposited.

2. One copy of Provincial Land Surveyor Andrew Hood's report and plan of Survey of the said Concession, shall be deposited in the office of the Commissioner of Crown Lands, and another copy in the office of the Registrar for the County of Lincoln.

CAP. LXXXVI.

An Act to enable the Trustees of certain School Lots in the Town of Prescott to convey the said School Lots to the Grammar and Common School Trustees of the said Town, and for other purposes.

[*Assented to 4th May*, 1859.]

Preamble.

WHEREAS Alpheus Jones, Justus S. Merwin, John Patton, William J. Scott, Hamilton Dibble Jessup, the Revd. Robert Boyd and Alfred Hooker, the Trustees of certain School Lots, in the Town of Prescott, hereinafter described, held by deed of conveyance from Hamilton Dibble Jessup, of the said Town of Prescott, have, by their petition to the Legislature, represented that the said Hamilton Dibble Jessup did, under the provisions of an Act of the Parliament of Canada, passed in the twentieth year of the Reign of Her Majesty Queen Victoria, chapter two hundred and twenty-two, intituled, *An Act to enable the Trustees of a certain School Lot in the Town of Prescott to sell the said Lot, and for other purposes*, by an indenture bearing date the ninth day of January, in the year of our Lord, one thousand eight hundred and fifty-eight, convey to Alpheus Jones, Justus S. Merwin, John Patton, William J. Scott, Hamilton Dibble Jessup, the Honorable Samuel Crane, the Reverend Robert Boyd, the Reverend Robert Blakey and Alfred Hooker, the Trustees of the said School Lots, and to their successors in office, in trust forever for a Public School, the following

22 V. c. 222.

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following lands and premises, namely: All and singular that certain block of land in the Town of Prescott and County of Grenville, and Province of Canada, consisting of those thirteen several Town Lots in the town of Prescott aforesaid; bounded towards the north by Hyde street, towards the west by Zaire street, and towards the south by Jessup street; and which said lots may be otherwise known and described as lots numbers seven, eight, nine and ten, on the south side of Hyde street aforesaid, lot number thirteen, on the corner of Hyde and Zaire streets, being the south side of Hyde street, and the east of Zaire street aforesaid, lots numbers twelve, thirteen and fourteen, on the east side of Zaire street aforesaid, lot number eleven, on the corner of Zaire street and Jessup street aforesaid, being the east side of Zaire street and north side of Jessup street aforesaid, and lots numbers seven, eight, nine and ten, on the north side of Jessup street aforesaid, and which said lots and streets are respectively numbered and named and of the dimensions as laid down and described on a map or plan of the Town of Prescott, lately prepared for the said Hamilton Dibble Jessup, by James West, Provincial Surveyor, and which said block of thirteen lots aforesaid may be further known and described as follows, that is to say: commencing on the south side of Hyde street aforesaid, at the north-east corner of the said lot number seven south of Hyde street; thence, westerly, along the south side of Hyde street aforesaid, three hundred feet to the east side of Zaire street aforesaid; thence, southerly, along the east side of Zaire street, two hundred and seventy-two feet six inches to the north side of Jessup street aforesaid; thence, easterly, along the said north side of Jessup street aforesaid, three hundred feet to the south-east angle of the said lot number seven, north of Jessup street; thence, northerly, parallel with Zaire street aforesaid, two hundred and seventy-two feet six inches to the place of beginning; containing by admeasurement eighty-one thousand seven hundred and fifty square feet of land, more or less:

And whereas the said Trustees have further represented, that lot number thirteen, on the corner of Hyde and Zaire street, being the south side of Hyde street and the east side of Zaire street aforesaid, and lots numbers twelve, thirteen and fourteen on the east side of Zaire street aforesaid, and lot number eleven on the corner of Zaire street and Jessup street aforesaid, being the east side of Zaire street and north side of Jessup street aforesaid, being a portion of the hereinbefore described school lots, should be appropriated for Grammar School purposes, and that the remaining eight lots, being lots numbers seven, eight, nine and ten, on the south side of Hyde street aforesaid, and lots numbers seven, eight, nine and ten on the north side of Jessup street aforesaid, being a portion of the school lots hereinbefore first described, should be appropriated for Common School purposes.

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And whereas the said Trustees are desirous of having the power to convey the said above mentioned School Lots as hereinafter is provided: Therefore, Her Majesty, by and with the advice and consent of the Legislative Council and Assembly of Canada, enacts as follows:

Power to convey the said lots—

1. It shall be lawful for the Trustees of the hereinbefore described School Lots, and their successors, or a majority of them, to alienate and convey by a deed of conveyance under hands and seals, such title as they may have in and to the said School Lots as follows:

To the Trustees of the Grammar School;

1. Lot number thirteen on the corner of Hyde and Zaire street, being the south side of Hyde street and the east side of Zaire street aforesaid, lots numbers twelve, thirteen and fourteen on the east side of Zaire street aforesaid, and lot number eleven on the corner of Zaire street and Jessup street aforesaid, being the east side of Zaire street and north side of Jessup street aforesaid, to the Trustees of the Grenville County Grammar School, in trust forever, for the purposes of the said Grammar School, and for erecting thereon a Grammar School House and buildings for the purposes of the said Grammar School;

To the Trustees of the Common Schools.

2. Lots numbers seven, eight, nine and ten on the south side of Hyde street aforesaid, and lots numbers seven, eight, nine and ten on the north side of Jessup street aforesaid, to "the Board of Common School Trustees of the Town of Prescott, in the County of Grenville," in trust forever, for the purposes of the said Common School or Schools under their charge, and for erecting thereon a School House or houses and buildings for the purposes thereof.

Public Act.

2. This Act shall be deemed a Public Act.

CAP. LXXXVII.

An Act to vest the title to certain lands in the Joint Board of Grammar and Common School Trustees of School Section Number One, in the Township of Ernestown.

[*Assented to 4th May*, 1859.]

Preamble.

WHEREAS by Letters Patent of His late Majesty King George the Fourth, under the Great Seal of Upper Canada, bearing date on the first day of August, in the first year of the Reign of his said late Majesty, certain lands, consisting of lot number thirty-one, with its broken front, in the first Concession of the Township of Ernestown, in the County of Addington, in Upper Canada, containing three hundred acres of land, were granted unto John Stoughton, Episcopal Missionary, Colin

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Colin McKenzie, Esquire, and Sheldon Hawley, Esquire, Church-wardens of St. John's Church, in the Town of Bath, in said Township of Ernestown, to have and to hold the same lands and tenements to them, their heirs and assigns for ever upon the uses and trusts thereinafter contained concerning the same, that is to say, upon trust to hold the said lands and tenements for the maintenance and support of a public School to be established in and for the Town of Bath; which said patent contains a proviso for the appointment of new trustees from time to time in case that any of the said trustees should die, or be unwilling or unable to discharge their duties in respect of the said trust, and for the forfeiture of the said patent for non-performance of the trusts, conditions, limitations and provisions therein contained; And whereas the said trustees executed the said trust during their lifetime by employing the moneys arising from the said lands in the maintenance and support of a Public School in the said Town of Bath, until the Common School in School Section Number One, in the said Township of Ernestown, was established in the said Town of Bath, after which time the issues and profits of said lands were paid over to the Common School Trustees of said School Section; And whereas two of the Trustees mentioned in the said patent, namely, John Stoughton and Sheldon Hawley, died, leaving the said third Trustee, Colin McKenzie, them surviving; and the said Colin McKenzie afterwards died in the year one thousand eight hundred and fifty-one, leaving no sons and four daughters him surviving, namely, Mary, the wife of Orton Hancox, Sarah, widow of George McKenzie, Lucretia McKenzie, Spinster, and Caroline, wife of Robert Stewart, all of whom are now alive; And whereas no new trustees were ever appointed under the provisions of said patent, and it is desirable that the disposition heretofore made of such trust moneys should be declared to be lawful, and that the title in the said lands should be vested in the Joint Board of Grammar and Common School Trustees of School Section Number One, in the Township of Ernestown: Therefore, Her Majesty, by and with the advice and consent of the Legislative Council and Assembly of Canada, enacts as follows:

Lands aforesaid vested in the Joint Board of Grammar and Common School Trustees of Ernestown.

1. The Lands above mentioned, which are butted and bounded as the same are described in the said letters patent, shall be, and the same are hereby granted to and vested in the Joint Board of Grammar and Common School Trustees, of School Section Number One, in the Township of Ernestown aforesaid, and their successors and assigns for ever, in trust to hold the same, to and for the maintenance and support of the Grammar and Common School in the said School Section Number One, in the Township of Ernestown.

Patent declared in force.

2. The said patent is hereby declared to be in force, and not forfeited up to the time of the passing of this Act.

Disposition of Funds declared lawful.

3. The disposition of the funds arising from the said lands, heretofore made, is hereby declared to be lawful.

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CAP. LXXXVIII.

An Act for the protection of Bridges over the River Welland.

[*Assented to 4th May*, 1859.]

Preamble.

WHEREAS the River Welland forms the boundary line between a portion of the county of Lincoln and a portion of the county of Welland, and also forms the boundary line between certain townships in the said county of Welland; And whereas the Municipal Council of the county of Welland have recently erected several substantial bridges over the said river, within the limits of the said county, and have taken the charge and care of other bridges previously erected over that stream also within the said limits, and are about to erect, jointly with the Municipality of the county of Lincoln, other bridges over the said river, all of which are and will be a great convenience to the inhabitants generally in the vicinity thereof; And whereas doubts have arisen whether that part of the said river above the point where the Welland Canal connects with the Welland river below Port Robinson and above the Welland Canal Aqueduct at Welland is a "navigable stream," within the proper and legal mean of the expression "navigable stream," and whether penalties can be lawfully enforced against persons damaging or removing such bridges; And whereas the Municipal Council of the county of Welland aforesaid have by their petition prayed that the said doubts may be removed, and it is expedient to grant their prayer: Therefore, Her Majesty, by and with the advice and consent of the Legislative Council and Assembly of Canada, enacts as follows:

Certain bridges declared to be public bridges and the property of the Counties of Lincoln and Welland respectively or jointly.

Exception.

1. All bridges now erected or hereafter to be erected over that part of the river Welland extending above the point where the Welland Canal connects with the Welland river below Port Robinson and above the Welland Canal Aqueduct at Welland, in the said county of Welland, which shall by a by-law or by-laws of the Municipal Council of the county of Welland, or of the Municipal Council of the county of Lincoln, be declared to be public bridges, and to be, excepting the Welland Railway bridge which shall be maintained and controlled by said Railway Company, the openings of which shall not be less than are provided by this Act for the county bridges, under the charge and care of either of the said Municipal Councils, or under the charge and care of the said Municipal Councils conjointly, (which by-law and by-laws the said Municipal Councils and their successors are hereby severally authorized from time to time to pass, as occasion shall require, and again at their pleasure to repeal, shall be deemed and taken to have been and to be lawfully erected bridges, and such of them, with the approaches thereto, as are or shall be situate wholly within the limits of either of the said counties shall be the property of the county within the limits of which it or they may be so situate, and

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and such as are or shall be over that part of said stream forming the boundary line between the said counties shall be the joint property of the counties of Lincoln and Welland: Provided always, that every bridge hereafter to be erected over the said river, between the said aqueduct and the bridge called "Tisdale's Bridge" upon the town-line dividing the townships of Caistor and Gainsborough, shall have an opening between the bents in the channel of the stream of not less than twenty-five feet, in the clear, to admit of the passage of vessels, boats, scows, or other craft and rafts navigating the said stream, and shall be of the uniform height of not less than twelve feet at such opening above the ordinary level of the water in the said stream.

Proviso: as to certain openings of the said bridges.

2. Any person or persons whosoever who shall, after the passing of a by-law or by-laws as mentioned in the preceding section of this Act, with a vessel, boat, scow, or other craft or raft, or by any other means howsoever, destroy, remove, or damage, or break, cut or alter any bridge or bridges, or any part thereof, or of the approach or approaches thereto, named and declared in such by-law or by-laws to be a public bridge, shall be liable to a penalty equal to the value of such bridge or bridges at the time the same may have been so destroyed or removed, or equal to the amount of damage done to such bridge or bridges, as the case may be, and to a further penalty not exceeding the sum of twenty dollars, together with the costs of suit, to be recovered in the summary way hereinafter provided.

Penalty on persons destroying or injuring such bridges.

3. When any such bridge or bridges shall be destroyed, removed, or damaged, broken, cut, or altered by means of collision therewith by any vessel, boat, scow, or other craft or raft in the manner hereinbefore mentioned, it shall be lawful for any person or persons to make information and complaint thereof before some Justice of the Peace having jurisdiction in either of the said counties of Lincoln or Welland, upon oath, setting forth the facts, in so far as they have come to his or their knowledge, and thereupon such Justice shall issue a summons against the person or persons named or described in such information and complaint, requiring him or them to appear at a time and place to be mentioned therein, to answer to such information and complaint before such Justice and such other Justice or Justices as may then be assembled to hear the same; or if no such collision shall have taken place, then if the said Justice shall see fit, he may issue his warrant in the first instance to apprehend such person or persons in the like manner and with like effect as a Justice of the Peace may issue a warrant with respect to cases of summary convictions and orders generally, and may also at the time of issuing such summons or warrant, issue a warrant in the nature of an attachment under his hand and seal in the form of the schedule to this Act annexed marked A, directed to some constable or other

Summary proceedings against persons destroying or injuring such bridges.

Attachment of vessels, &c., by which the injury is done.

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other peace officer within his jurisdiction, commanding him to levy upon, detain, and safely keep, any such vessel, boat, scow, or other craft, or raft, which may have been in the charge or custody of the person or persons named or described in such information and complaint, at the time the offence or offences shall be therein alleged to have been committed; and upon receiving such warrant it shall be lawful for such constable or other officer to seize and detain such vessel, boat, scow, or other craft, and the cargo therein, or raft, until the hearing of such information and complaint shall be concluded, and an order be made by the Justices hearing the same in relation thereto;

Proviso. Provided always, that any summons, warrant, or other process issued under the authority of this Act, may be executed and enforced within the limits of either of the said counties of Lincoln or Welland, without "endorsement," any thing in any law or any usage to the contrary notwithstanding.

How the amount of damage done shall be ascertained.

4. Every information and complaint made under this Act shall be heard before at least two Justices of the Peace; and for the better enabling such Justices equitably to assess the value of or damages done to any such bridge or bridges, it shall be lawful for them in their discretion, to issue a summons in the form of the schedule hereto annexed marked B. or to the like effect, and directed to three freeholders by name, other than the complainant or complainants and defendant or defendants in such suit, forthwith to go upon such bridge or bridges, or upon the site thereof if wholly destroyed or removed, and estimate the value thereof at the time so destroyed or removed, or if only partially destroyed or removed, or injured in any manner, to estimate the damage done to the same, and to make a return, in writing, under their hands, at a time and place to be named therefor by such Justices in such summons, of the amount of such value or damage, as the case may be;

Three freeholders to be appointed.

And sworn. And before proceeding to estimate such value or damage, the said Justices, or some one of them, shall administer to each of such freeholders an oath, (or affirmation, in cases where the person by law is entitled to affirm,) to the following effect:

The oath.

"You solemnly swear (*or* affirm) that you will truly and "impartially, according to the best of your judgment and "ability, estimate the value of the bridge (*or* bridges) named "in the summons to you directed in this cause, at the time "the same was destroyed or removed, (*or* the damage done to "the same, *as the case may be*,) and a true return make thereof "in writing, at the time and place named in said summons. "So help you God."

Adjournment until report is made.

And in case a summons shall be issued to such freeholders to assess value or damages in the manner in this section provided, it shall be lawful for such Justices to adjourn the hearing of such information and complaint from time to time, until such freeholders shall make their return in the manner herein mentioned;

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mentioned; Provided firstly, that nothing in this Act contained shall prevent such Justices from adjourning the hearing of such information and complaint from time to time, whenever they shall see cause for doing so, stating in the hearing of the parties the time when and the place where the hearing of the case will be resumed; And provided secondly, that if such freeholders cannot all agree upon the value of such bridge or bridges at the time when so destroyed or removed, or upon the amount of damage done thereto, each of them may make a separate return in manner aforesaid, and such Justices shall thereupon, and after hearing such witnesses as may be brought before them on the part of the complainant or complainants and on the part of the defendant or defendants, proceed to decide and adjudge the matter, and shall convict or make an order upon the defendant or defendants, or dismiss such information and complaint, as to them shall seem proper; And provided thirdly, that the failure of such freeholders or any of them to make such return within the time limited therefor in such summons, shall not prevent such Justices from deciding and adjudging the matter of such information and complaint in manner aforesaid, upon the evidence which may be adduced; And provided fourthly, that each freeholder who may be summoned under this Act to assess value or damages, and who shall make a return as herein provided, shall receive and be paid the sum of one dollar for each day he may be engaged under such summons, and the further sum of fifty cents each for drawing up, signing and delivering such return, the same to be and form part of the costs of the suit; And provided fifthly, that each freeholder who shall be summoned as aforesaid, and who shall refuse or neglect to obey such summons, or to make such return within the time limited therefor in such summons, shall be liable to a penalty of not less than one dollar, nor more than twenty dollars, which penalty shall and may be levied and collected by warrant of distress against any sale of the goods and chattels of the person or persons so offending, to be issued summarily by the Justices who issued such summons, upon their own knowledge of the default and without other information or trial.

First Proviso.

Second Proviso.

Third Proviso.

Fourth Proviso.

Fifth Proviso.

5. All and every penalty and penalties imposed under authority of this Act, and all costs attending proceedings had in virtue hereof, shall be levied and collected by distress and sale, in the discretion of the Justices making the conviction and adjudging such penalty or penalties, of such vessel, boat, scow, or other craft or raft, as may have been attached and detained in manner hereinbefore provided, or by distress and sale of any goods and chattels belonging to the party or parties convicted, in the manner pointed out for the levying and collecting of a pecuniary penalty or compensation to be paid, in and by the Act of Parliament of this Province, passed in the sixteenth year of Her Majesty's Reign, and intituled, *An Act to facilitate the performance of the duties of Justices of the Peace, out of Sessions*

How penalties under this Act shall be levied and collected.

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Sessions, in Upper Canada, with respect to summary convictions and orders, and in default of sufficient distress being found to satisfy such penalty or penalties and costs, or if any part thereof shall not be satisfied, it shall be lawful for the Justices making the conviction or adjudging such pecuniary penalty or compensation to be paid, or any two of them, to commit the person or persons convicted of the offence, or against whom such penalty or compensation to be paid shall be adjudged, to the common gaol of either of the said Counties of Lincoln or Welland, for any period not exceeding thirty days.

Committal in case of non-payment.

Application of pecuniary penalties.

6. All pecuniary penalties or compensation to be paid, which shall be recovered under authority of this Act, shall, in case the bridge or bridges in respect of which the same shall be recovered, be situate wholly within the County of Welland, be immediately paid over by the Justice or Justices recovering the same, to the Treasurer of the said County of Welland; and in case such bridge or bridges are situated partly within the County of Welland and partly within the County of Lincoln, then the one half thereof shall be paid over as aforesaid, to the said Treasurer of the County of Welland, and the other half thereof to the Treasurer of the said County of Lincoln, and shall form part of the general funds of the said Counties respectively.

Costs to defendant in case of malicious complaint.

7. If it shall appear to any such Justices, upon the trial of any such information and complaint, that the same has been made from malicious motives, it shall be lawful for such Justices to award to the defendant or defendants full costs, and to levy and collect such costs from the complainant or complainants, by distress and sale of his and their goods and chattels, and in default of finding sufficient distress to satisfy the same, the said Justices shall and may commit the complainant or complainants to the common gaol of either of the said Counties of Lincoln or Welland, for any period not exceeding thirty days, unless such costs and the costs of such distress be sooner paid; and further, if it shall appear on any such trial, to the satisfaction of such Justices, that the damage done to such bridge or bridges arose from inevitable cause or causes which the defendant or defendants could not control, then it shall be lawful for such Justices to take the circumstances thereof into consideration in making their conviction or order, and to abate such sum from the actual damage done, as to them shall seem just and equitable; And in cases where any such vessel, boat, scow or other craft or raft, shall have been attached and detained as hereinbefore provided, if it shall appear to such Justices at any time during the proceedings, or at the close thereof, that there is no longer occasion to keep such vessel, boat, scow or other craft or raft in custody, it shall be lawful for such Justices, by an order under their hands directed to the Constable or other person in charge of the same, to release such vessel, boat, scow, or other craft or raft.

Abatement if the damage was inevitable.

Release of vessel, &c, detained.

8.

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8. The forms for summons, warrant, warrant of distress, warrant of commitment, summons to witness, conviction, order of dismissal, and all other forms in the Schedule to the said hereinbefore in part recited Act, may be used in proceedings under this Act, and the provisions of the said Act in respect of costs and all other provisions of the said Act, with regard to proceedings to be had thereunder generally, shall be held and construed to apply to this Act, except in so far as the same may be inconsistent with this Act.

Forms under 16 V. c. 178, may be used.

9. In case of appeal against any conviction under this Act, the appeal shall lie to the General Quarter Sessions of the Peace, holden in and for either of the said Counties of Lincoln and Welland.

As to appeals from convictions under this Act.

10. This Act shall be a Public Act, and shall take effect immediately upon the passing thereof.

Public Act, &c.

SCHEDULE A.

County of } To A. B., of , in the
TO WIT : } County of , Constable.

Whereas information and complaint have this day been made upon oath before me, one of Her Majesty's Justices of the Peace in and for the County of , for that (*Here state briefly the nature of the offence and the name or other description of the person or persons complained against, also the name of the vessel, boat, scow, or other craft, or the kind of raft, as "a raft of hewed pine" or "oak timber," or "of saw logs," or of both, as the case may be, which it may be alleged in such information and complaint, has caused the damage*).

These are therefore to command you to attach, seize, take and safely keep the said (vessel, boat, scow, or other craft or raft) until the matter of such information and complaint shall be heard and adjudged, or until you shall be otherwise or further directed in relation thereto; and to return this Warrant, with what you shall have done in the premises, to me, or to the Justices who shall hear the matter of the said information and complaint forthwith: and herein fail not.

Witness, my hand and seal, at , in the County of , this day of , 18

C. D. [L. S.]

Justice of the Peace.

SCHEDULE

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SCHEDULE B.

County of TO WIT :	To A. B., C. D., and E. F., of the Township of , in the County of , Freeholders.

Whereas information and complaint have been made, upon oath, before G. H., one of Her Majesty's Justices of the Peace in and for the County of , for that (the bridge over the Welland River generally called "Beckett's Bridge," *or as the case may be*, or the approaches thereto, hath been destroyed, removed, broken, cut, altered or damaged by I. J. and others, with a vessel, boat, scow, or other craft or raft, or otherwise, *as the case may be.*)

These are therefore to require you, and each of you, forthwith to go upon said bridge or upon the site thereof, and to estimate impartially, according to the best of your judgment, (the value thereof when so destroyed or removed, *or* the damage done to the said bridge, *as the case may be*) and a true return make thereof to us in writing under your hands, at , in the Township of , on the day of , 18 , at the hour of of the clock in the noon, or to such Justices as shall be then and there assembled to hear the matter of such information and complaint; you and each of you being first duly sworn, or affirmed, in the manner provided in and by the Act of the Parliament of this Province, intituled, (*here give the title of this Act*); and herein fail not, under the penalty imposed for default thereof, in and by the said hereinbefore in part recited Act.

Witness, our hands and seals, at , in the County of , this day of , A. D. 18 .

K. L., [L.S.]

M. N., [L.S.]

Justices of the Peace.

CAP. LXXXIX.

An Act relating to the Northern Railway Company of Canada.

[*Assented to 4th May*, 1859.]

Preamble. WHEREAS it is expedient to make the provisions hereinafter contained with respect to the Northern Railway of Canada: Therefore, Her Majesty, by and with the advice and consent of the Legislative Council and Assembly of Canada, enacts as follows:

1.

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1. Upon and after the passing of this Act, and by the operation thereof, the Northern Railway of Canada, with all the appurtenances and appliances thereof, whether consisting of real or personal property, its Rolling Stock and Plant, and all the corporate rights and privileges of the Northern Railway Company of Canada, shall be and are hereby transferred to and vested in the Crown for the following purposes :

Northern Railway of Canada vested in the Crown for certain purposes.

1. The Governor in Council may cause the said Railway, Rolling Stock and Plant to be put in working order and repair,—and may raise a sum for that purpose not exceeding sixty thousand dollars, by the issue of Provincial Debentures or otherwise; and the sum expended for that purpose up to the time of the sale hereinafter mentioned, shall be added to the claim of the Province on the said Company and Railway, and be a first charge upon the proceeds of such sale;

Governor in Council may cause the Railway to be put into repair at a cost not exceeding $60,000.

2. The Governor in Council may cause the Railway to be worked, either by the intervention of the said Company or by any other persons or parties ; but the surplus of the receipts, after the payment of all expenses of working and keeping the Railway, Stock and Plant in order, and the deduction of six per cent. per annum, on the total amount of the claim of the Province, shall from time to time be paid over to the Company ;

Railway may be worked, &c.

3. The said Railway, Appurtenances, Appliances, Stock, Plant, rights and privileges, may, on the first day of August next after the passing of this Act, or on any day afterwards, be sold by Public Auction, in the City of Toronto, after such notice as the Governor in Council may direct ; and the proceeds of such sale shall be distributed among the Creditors of the Company, including the Province, in the order of the priority of their respective claims, those of equal rank as to priority being paid *pro rata*, if there be not enough to pay them in full ;

Railway may be sold on or after 1st August, 1859.

4. The Governor in Council may cause the said Railway and its Appurtenances and Appliances, Stock, Plant, rights and privileges to be purchased for the Province at such sale for any sum not exceeding the amount of the Provincial claim.

Railway may be bought by the Province, &c.

2. The Governor in Council may treat and agree with the Company or its Bondholders, or both, for the transfer of the said Railway and Appurtenances, stock, plant, rights and privileges to the Company or to the Bondholders, or to both, and for permitting the parties to whom such transfer shall be made to raise, by preferential Bonds or otherwise, additional capital, not exceeding two hundred and fifty thousand pounds sterling, to be applied first, in the repair and improvement of the said Railway and Stock, and for the payment of the debts and obligations of the Company ; Provided always, that the sum to

Governor in Council may agree for transfer of Railway to the Company, &c., and allow new capital to be raised.

Proviso.

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to be advanced for the repair of the Railway and Stock shall be first repaid to the Province out of the said moneys:

Order in Council for transfer to be binding on all parties.

2. If such agreement be made, the Railway and Stock and the rights and privileges of the Company shall be transferred in pursuance of such agreement, by Order in Council, to such parties and subject to such conditions and directions as may be agreed upon; and the terms and conditions and directions in such order in Council expressed, shall be binding upon all persons having any interest in the present capital of the Company, whether as Stockholders, Bondholders or otherwise, or in what manner soever such interest may be secured;

Effect of such order.

3. Any such Order in Council shall vest the property and rights therein mentioned in the parties therein mentioned, subject to such conditions and directions as aforesaid, as fully to all intents and purposes, as if such transfer were made by, and such conditions and directions were contained in an Act of the Provincial Parliament; and the parties to whom the transfer shall be made shall thereby become and be held to be the Northern Railway Company of Canada;

Priority of lien and dividends may be granted by Governor in Council, for new capital.

Subscribers may vote.

4. The Governor in Council may, by any such order, grant a priority of lien or of dividends on the Railway and Stock, for the said additional capital, and such portion of the present capital and the interest thereon secured by Bonds or Debentures of the Company, as may be found expedient; and the Bondholders of the Company, in case the additional capital be raised by Bonds, may vote, either in person or by proxy, at meetings of the Company, and shall have respectively the same number of votes as they would have if instead of Bonds they held an equal amount of Stock;

Order in Council may provide for certain matters incidental to the Railway;

And its management.

5. The Order in Council hereinbefore mentioned may prescribe the times and place for the general and special meetings of the Company, and the number, qualification and rotation of Directors to be thereafter elected,—and may authorize a certain number of such Directors to be resident in England,—and may provide for the establishment of registers of bonds,—and may authorize the Company to lease the said Railway to or to enter into arrangements for the working of the same with any other Company or persons,—and generally may make such rules and regulations for the management of the said Company and for carrying out and giving effect to the agreement upon which such Order is founded as may be deemed expedient; and all such rules and regulations shall have the same effect as if they were contained in an Act of the Provincial Parliament, notwithstanding any thing in the former Acts incorporating or relating to the said Company, any provision in which inconsistent with such rules and regulations is hereby repealed.

Public Act.

3. This Act shall be deemed a Public Act.

CAP.

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CAP. XC.

An Act to consolidate and amend the several Acts relating to the Niagara and Detroit Rivers Railway Company, both before and since the amalgamation of the Companies forming that Company.

[*Assented to 4th May*, 1859.]

Preamble.

WHEREAS the Niagara and Detroit Rivers Railway Company have prayed that the several Acts relating to the incorporation of the said Company should be amended and consolidated, and it is reasonable to grant the prayer of said Company: Therefore, Her Majesty, by and with the advice and consent of the Legislative Council and Assembly of Canada, enacts as follows:

Charters of the Woodstock and Lake Erie Railway, and Harbour Company, 10, 11 V. c. 117,—and of the Amherstburgh and St. Thomas Railway Company, 18 V. c. 182,—the Acts amending the same, 16 V. c. 239,—18 V. c. 179,—19, 20 V. c. 74,—19, 20 V. c. 113,—and the Act of amalgamation 22 V. c. 118, and the Deed therein mentioned, repealed.

1. That the several Acts of the Parliament of this Province, hereinafter mentioned, that is to say: An Act passed in the tenth and eleventh years of the Reign of Her Majesty, Queen Victoria, intituled, *An Act to incorporate the Woodstock and Lake Erie Railway and Harbour Company;*—also, an Act passed in the sixteenth year of the Reign of Her said Majesty, intituled, *An Act to amend and extend the Charter of the Woodstock and Lake Erie Railway and Harbour Company;*—also, an Act passed in the eighteenth year of the Reign of Her said Majesty, intituled, *An Act to amend the Charter of the Woodstock and Lake Erie Railway and Harbour Company;*—also, an Act passed in the last mentioned year of the Reign of Her said Majesty, intituled, *An Act to incorporate the Amherstburgh and St. Thomas Railway Company;*—also, an Act passed in the nineteenth year of the Reign of Her said Majesty, intituled, *An Act to amend the Act of incorporation of the Woodstock and Lake Erie Railway and Harbour Company;*—also, an Act passed in the last mentioned year of the Reign of Her said Majesty, intituled, *An Act to amend and extend the Charter of the Amherstburgh and St. Thomas Railway Company;*—also, an Act passed in the twenty-second year of the Reign of Her said Majesty, intituled, *An Act to amend the Charters of the amalgamated Company heretofore intituled "The Great South Western Railway Company," and to change its name to the "Niagara and Detroit Rivers Railway Company";* and the Schedule thereto annexed, be and the same are hereby repealed.

Certain persons incorporated.

2. George Macbeth, M. P. P., the Honorable Michael Hamilton Foley, M. P. P., Honorable David Christie, M. L. C., Walker Powell, M. P. P., Sheriff Colin Munro, Andrew Thompson, Esq., John H. Cornell, Esq., John G. Kolfage, Esq., John McKay, Esq., John Smith, Esq., Thomas Rae, Esq., and Dr. Otis F. Presbrey, and such other persons as are or shall become Shareholders in the said Company, under the provisions of this Act, shall be a body politic and corporate

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Corporate name and powers.

corporate in law and in fact, under the name of "The Niagara and Detroit Rivers Railway Company," and by that name they and their successors shall and may have continued succession, and by such name shall be capable of contracting and being contracted with, of suing and being sued, of pleading and being impleaded, answering and being answered unto in all courts and places whatsoever, in all manner of actions, suits, complaints, matters and concerns whatsoever; and they and their successors may and shall have a common seal, and may change and alter the same at their will and pleasure, and by the same name of "The Niagara and Detroit Rivers Railway Company" they and their successors shall also be by law capable of receiving, purchasing, having and holding to them and their successors any estate, real, personal or mixed, to and for the use of the said Company, and of letting, conveying and otherwise departing therewith, for the benefit and on account of the said Company from time to time as they shall deem necessary and expedient.

Common Seal.

Holding property.

Line of Railway described.

3. The said Company are hereby authorized to construct a Railway with a single or double track from some point on the Niagara River, at or near the Town of Clifton, passing on such route as may be selected through the Towns of Simcoe and St. Thomas, to some point on the Detroit River, at or near the Town of Windsor or the Town of Sandwich, also to construct a Railway from such point on the aforesaid line of Railway as may be found most eligible, to the Niagara River, at or near Fort Erie; and also a Railway from some other point on the said first mentioned line of Railway to connect the same with Amherstburgh, on the said Detroit River; Provided always, that so soon as the net revenues derived from the aforesaid Railways shall amount to eight per centum on the capital then expended the said Company shall construct, equip, maintain and work the line of Railway heretofore known as the Woodstock and Lake Erie Railway.

Branch Line.

Proviso: Woodstock and Lake Erie Line to be made, when, &c.

Directors for the current year.

4. The persons named above being the Board of Directors of the Niagara and Detroit Rivers Railway Company, in office just before and at the time of the passing of this Act, that is to say, George Macbeth, M. P. P., Honorable Michael Hamilton Foley, M. P. P., Honorable David Christie, M. L. C., Walker Powell, M. P. P., Sheriff Colin Munro, Andrew Thompson, Esq., John H. Cornell, Esq., John G. Kolfage, Esq.. John McKay, Esq., John Smith, Esq., Thomas Rae, Esq., and Dr. Otis F. Presbrey, shall, until the next annual election of Directors of the Company, as hereinafter provided for, be the Directors of the Company incorporated under this Act, and until such election takes place, shall have, exercise and enjoy all the powers and rights they could or would enjoy if elected under this Act, and shall have all the powers by this Act conferred on the Directors so to be elected; and also the President chosen heretofore by the above named Board, the Vice President and other elective

President, and other Officers.

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elective officers of said Company, shall hold their respective offices until their successors are chosen, as pointed out in the provisions of this Act.

5. The capital stock of the said Company shall be ten millions of dollars, and shall be divided into shares of one hundred dollars each, and at least two millions of dollars of the stock shall have been actually and *bonâ fide* subscribed, and ten per cent paid thereon into some of the Chartered Banks of this province, to the credit of the Company, within one year after the passing of this Act; but the stock already subscribed in any of the Companies referred to in the first section hereof, on which ten per cent has been *bonâ fide* paid, and the ten per cent actually paid thereon shall be reckoned and included in such subscription and payment, and all such stock subscribed or alleged to have been subscribed before the passing of this Act on which ten per cent shall not have been actually and *bonâ fide* paid into one of the Banks aforesaid, shall be and his hereby declared to be illegal and void and to form no part of the stock hereby authorized.

Capital $10,000,000.

Part to be paid in one year.

Proviso: as to Stock already subscribed and partly paid

6. After the passing of this Act, and until the whole stock of the Company is subscribed for, the said Directors or any future Directors may open the stock book of the Company for further subscriptions for stock in the said Company, or may open other books for subscription for stock therein, and any person who shall subscribe in the said stock book or any other stock book or books opened by the above or any future Directors of this Company for shares, and shall at the time of such subscription pay in cash into the hands of the Treasurer or other officer or agent appointed for the purpose of receiving the same, (in the order of the said Board so directing said book or books to be opened,) ten per centum upon the amount of the whole number of shares he, she or they shall subscribe for, shall thereupon become a shareholder in the said Company; and any subscription not accompanied by the payment of such ten per centum, as aforesaid, shall be null and void.

Board may open stock book at any time until the whole Stock is subscribed.

Ten per cent. to be paid on subscribing.

7. And further, it shall and may be lawful for the Directors in the order directing the present stock book or other stock books to be opened, as above provided, to order that said book or books be opened in this Province or elsewhere out of this Province, as they shall think proper, for such subscriptions for stock, and upon such order being made, and before said book or books are opened, such order and a notice signed by the Secretary, stating that in accordance with such order, a book or books will be opened at the times, places and by the persons so appointed in said order, shall be published in the *Canada Gazette* and in the papers in which this Act provides for the publication of notices of special meetings, for four weeks prior to the day on which said book or books shall be so opened; and all and every the persons subscribing for stock

Board to give notice of opening stock book.

Notice to be given for four weeks.

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stock in the above manner and form, and complying with the provisions of this Act, shall be shareholders in this Company.

Amount of each call.

8. Each and every call for money on the shares subscribed, shall be for ten per centum thereon, and not more than ten per cent shall be made payable within any sixty days.

Affairs of the Company to be managed by nine Directors.

When to be elected.

Notice for four weeks.

Ballot.

Ties.

Vacancies how filled.

Proviso: failure of election not to dissolve the Company.

9. From and after the election of Directors which shall take place next after the passing of this Act the property, affairs and concerns of the Company shall be managed by nine Directors to be chosen by the Shareholders on the First Tuesday of April in each year, in the manner hereinafter provided, and notice of such annual Election, and of the time and place of holding the same, shall be published four weeks before the day of Election in one newspaper published in the town of Simcoe and in one newspaper published in the town of St. Thomas, and in one or more of the daily papers published in the city of Hamilton; and all Elections for Directors shall be by ballot, and the persons who shall have the greatest number of votes at any Election shall be Directors; and if it shall happen that two or more shall have an equal number of votes, the Shareholders shall determine the Election by another or other ballots until a choice is made; and if a vacancy shall at any time take place among the Directors, by death, resignation or otherwise, such vacancy shall be filled for the remainder of the year by a vote of the majority of the Directors; provided always that in case it shall happen that an Election of Directors shall not be made on any day when pursuant to this Act it ought to have been made, the said Company shall not for that cause be deemed to be dissolved, but it shall and may be lawful on any day thereafter to hold and make an Election of Directors, in such manner as shall have been regulated by the By-laws and Resolutions of the said Company.

Aliens may be Directors.

No Shareholder to vote until he has paid the ten per cent and all calls.

10. Aliens as well as British Subjects, and whether resident in this Province or elsewhere, may be Shareholders in the said Company, and all such shareholders shall be entitled to vote on their shares equally with British Subjects, and shall also be eligible to Office as Directors in the said Company; But no Shareholder shall be entitled in person or by proxy to vote at any Election of Directors, or at any General or Special Meeting of the Shareholders of the said Company, who shall not have paid the aforesaid deposit of ten per centum and all calls due upon his stock at the time of such Election or Meetings.

Directors to make annual or semi-annual dividends of profits, and to submit accounts and statements to

11. The Directors shall make annual or semi-annual dividends of so much of the profits of the said Company, as to them or a majority of them shall seem advisable, and once or oftener, as the Directors shall by By-Laws from time to time determine, in each year an exact and particular statement shall be rendered of the state of their affairs, debts, credits, profits

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profits and losses; such statement to appear on the books and to be open to the perusal of any shareholder at his or her reasonable request; which said statement or statements attested on oath, shall be annually submitted to the three branches of the Legislature within fifteen days after the opening of each Session of the Provincial Parliament; and also a statement of the tonnage of goods, freight and number of passengers that have been conveyed along the said Road.

Stockholders and the Legislature.

12. The number of Directors necessary to form a quorum for the transaction of business, may be regulated by the By-laws of the Company, and until such By-laws shall be passed, a majority of the Directors shall form such quorum.

Quorum to be regulated by By-law, &c.

13. No Shareholder shall be eligible to be elected a Director under this Act unless he shall be a *bonâ fide* Stockholder in the said Company to the amount of at least one thousand dollars, and shall have paid up all calls on such stock.

Qualification of Directors.

14. Each Shareholder in his own right shall be entitled to a number of votes equal to the number of shares which he shall have in his own name, two weeks prior to the time of voting.

Each share to give one vote.

15. Any Director resident beyond the limits of the Province may appoint another Director to be his Proxy, and to vote for him at the Board, but no Director shall act as Proxy for more than two other Directors. The appointment may be as follows, or to the like effect:

Directors may vote by Proxies being Directors.

Form.

" I appoint , of , Esquire, one of the Directors of The Niagara and Detroit Rivers Railway Company, " to be my Proxy as a Director of this Company, and as such " Proxy to vote for me at all meetings of the Directors of this " Company, and generally to do all that I could myself do " as such Director, if personally present at such meeting."

" Dated this day of
" A. D. 18 .

" (Signature.) A. B.

" Witness
" C. D."

16. The said Company shall have power to become parties to Promissory Notes and Bills of Exchange for sums not less than twenty-five pounds, and any such Promissory Note made or endorsed, and such Bill of Exchange drawn, accepted or endorsed by the President or Vice-President of the Company, and countersigned by the Secretary and Treasurer, and under the authority of a majority of a *quorum* of the Directors, shall be binding on the Company; and every such Promissory Note or Bill of Exchange made, drawn, accepted or endorsed by the

Company may become parties to Promissory Notes, &c.

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President or Vice-President of the said Company, and countersigned by the Secretary and Treasurer as such, shall be presumed to have been properly made, drawn, accepted, or endorsed, as the case may be, for the Company, until the contrary be shewn; and in no case shall it be necessary to have the seal of the Company affixed to any such Bill of Exchange or Promissory Note, nor shall the President, Vice-President, or Secretary and Treasurer of the Company so making, drawing, accepting or endorsing any such Promissory Note or Bill of Exchange, be thereby subjected individually to any liability whatever; Provided always, that nothing in this section shall be construed to authorize the said Company to issue any Note payable to bearer, or any Promissory Note intended to be circulated as money, or as the Notes of a Bank.

Proviso: against Banking.

Deeds and Conveyances to be according to Schedule A.

Registration thereof, and fees.

17. All Deeds and Conveyances for lands to be conveyed to the said Company for the purpose of this Act, shall and may as far as the title to the said lands or the circumstances of the party making such Conveyance will admit, be made in the form given in the Schedule marked "A," to this Act annexed, and all Registrars are hereby authorized to enter in their Register books, such Deeds on the production and proof of execution thereof, without any memorial, and to minute such entry on the said Deed, and the said Company are to pay the said Registrar for so doing, the sum of two shillings and six pence, for each Deed registered and no more.

Number of Directors may be increased or reduced by Resolution of Shareholders.

Proviso: Board in London.

Proviso: as to powers.

18. The number of Directors of the Company may be increased or reduced, from time to time, by Resolutions of the Shareholders at any general or special general meeting of the Company, after due notice for that purpose, and at such meeting the order of rotation in which such increased or reduced number shall go out of office, and what number shall be a quorum shall be also determined; Provided that whatever be the whole number of Directors, one third at least may be English Directors, of whom the Company at any meeting of the said Shareholders called for that purpose in the usual manner, may form a Board in London, England, for such purposes as they in the said By-Law shall provide, or in any subsequent By-Laws may from time to time provide; Provided always that none of the powers to be so given shall be inconsistent with the provisions of this Act, but may be the same as the powers given in this Act to the Board generally.

Directors may open an agency in London, England, for the transfer of Shares, &c.

19. The Directors of the Company may, subject to the rules and regulations, from time to time, of the Board, appoint an agent in the City of London, England, with power to pay dividends, to open and keep books of transfer for the shares of the Company, and for the issue of scrip and stock certificates, and thereupon shares may be transferred from the Canada office to the London office, in the names of the transferees, in the same manner as shares may be transferred in the former office

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office, and *vice versa;* and shares originally taken and subscribed for in Great Britain, may be entered upon the books at the London office, and scrip certificates be issued for them, and the agent or other officer shall transmit an accurate list of all such transfers and scrip certificates so issued to the Secretary or other officer of the Company in this Province, who shall thereupon make the requisite entries respecting such transfer and scrip certificates in the Register kept in this Province; and thereupon the same shall be binding on the Company as to all the rights and privileges of shareholders, as though the scrip certificates had been issued by the Secretary of the Company in this Province.

Transfers of stock made in England to constitute transferee a Shareholder.

20. Whenever any transfer shall be made in England of any share of stock of the Company, the delivery of the transfer duly executed to the Agent of the Company for the time being in London aforesaid, or to the Secretary of the London Board, if formed, shall be sufficient to constitute the transferee a Shareholder or Stockholder in the Company in respect of the share or stock so transferred, and such Agent shall transmit an accurate list of all such transfer to the Secretary of the Company in this province, who shall thereupon make the requisite entries in the register; and the Directors may from time to time make such regulations as they shall think fit for facilitating the transfer and registration of shares of stock, as well in this Province as elsewhere, and as to the closing of the register or transfers for the purpose of dividend, as they may find expedient; and all such regulations not being inconsistent with the provisions of this Act, and of the Railway Clauses Consolidation Act, as altered or modified by this Act, shall be valid and binding.

Regulations respecting transfers.

Company to keep a Stock Register.

21. The Company shall from time to time cause the names of the several parties interested in the stock of the said Company, and the amount of interest therein of such parties respectively to be entered in a book to be called "The Stock Register," and the several holders of such Stock shall be entitled to participate in the dividends and profits of the Company, according to their respective interest therein, and such interest shall, in proportion to the amount thereof, confer on the respective holders, the same privilege of voting, qualification and otherwise as would have been conferred by shares of equal amount in the capital of the Company, but so that none of such privileges, except that of participation in the dividends and profits, shall be conferred by the holding of any aliquot part of such amount of stock, unless such aliquot part, if existing in shares, would have conferred such privileges respectively.

Duplicate of Stock Register to be kept in England.

22. Duplicates of all registers of shares and debentures of the Company and of the Shareholders thereof, or of the stock register, which shall at any time be kept at the principal office of

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of the Company in this Province (such duplicates being authenticated by the signature of the Secretary of the Company) may be transmitted to and kept by the Agent for the time being of the Company in London aforesaid, or in case of the formation of a London Board, by the Secretary to such Board.

Board may call special general meetings of Shareholders.

23. Whenever it shall be deemed expedient by the Board of Directors that a special general meeting of the shareholders shall be convened, either for the purpose of increasing the capital, or increasing or reducing the number of Directors, or forming a London Board, as aforesaid, or for any other purpose; the Directors may convene such meeting by advertisement and circular, in manner hereinafter mentioned, in which advertisement and circular the business to be transacted at such meeting shall be expressly stated; and such meeting may be held at the Company's chief offices in Canada, or such other place in this Province as the Directors shall appoint.

Forty days' notice thereof to be published in newspapers.

24. The notice of special general meetings of the Company, for any of the purposes aforesaid, shall be inserted in the same papers as are in this Act prescribed as necessary for convening ordinary general meetings of the Company, and also, if so ordered by the Directors calling the same, in one or more of the daily morning newspapers published in London, England, and a copy of such notice shall also be addressed by post to each shareholder at his last known or usual address, not less than forty days before the holding of such meeting.

Shareholders may hold ordinary general meetings half yearly.

25. If at any ordinary general meeting of the shareholders it shall be resolved that ordinary general meetings of the Company shall be held half yearly, such meetings shall thenceforth be held half yearly at such time and at such place in this Province as shall from time to time be appointed by the Directors.

All Stock on which 10 per cent. was not paid, on 16th November, 1858, to be null and void.

26. All and every subscription and subscriptions of stock in the Niagara and Detroit Rivers Railway Company, made before the sixteenth day of November, A. D., one thousand eight hundred and fifty-eight, and on which before that date ten per centum upon the whole amount of the shares in the capital stock so subscribed for was not paid into the hands of W. L. Smart, the Secretary of the Company, or into one of the Chartered Banks of this Province or some one of the Agencies of such Bank to the credit of the said Company, each and every such Stock subscription was and is null and void; and all and every *bonâ fide* subscription and subscriptions of Stock on which such ten per centum was so made into the hands of the said Secretary or into any of the said Chartered Banks, or the Agencies of such Banks, before the said sixteenth day of November last, whether such subscriptions of Stock were made in the Woodstock and Lake Erie Railway and Harbour Company, or in the Amherstburgh and Saint Thomas Railway Company,

Bonâ fide subscriptions on which 10 per cent. was paid before that time to be valid.

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Company, shall be held and taken to be Stock subscribed in the Company created by or under this Act; Provided always, and it is hereby enacted and declared that it shall be lawful for the Board of Directors to accept and take a Surrender of any Stock heretofore subscribed for, or alleged to be subscribed for, in the Amherstburgh and Saint Thomas Railway Company, before its amalgamation with the Woodstock and Lake Erie Railway and Harbour Company; and any holder or supposed holder of such Stock shall be entitled as of right to relinquish such Stock if he shall apply so to do by a notice in writing to the Secretary or President of the Company hereby incorporated within thirty days after the passing of this Act; and such Stock shall thenceforth be held and taken to be, and to have been from the beginning part of the unsubscribed capital of the Amherstburgh and Saint Thomas Railway Company, and of the unsubscribed capital of the Niagara and Detroit Rivers Railway Company; and neither of the said Companies shall have any claim whatsoever for or in respect of any deposit or payment by way of deposit made or agreed to be made upon or on account of such Stock so relinquished as aforesaid.

Proviso: as to Stock subscribed for in the Amherstburgh and St. Thomas Railway, before its amalgamation with the Woodstock and Lake Erie Company.

27. The Company incorporated by this Act shall assume and pay to the Provincial Government the amount of the sums, with all interest and arrears of interest due or to become due thereon, loaned by the Towns of Woodstock and Simcoe, and the Townships of North and South Norwich, Windham and Woodhouse, to the late Woodstock and Lake Erie Railway and Harbour Company.

Company to assume debts of certain municipalities to Provincial Government.

28. The several clauses of The Railway Clauses Consolidation Act with respect to the first, second, third and fourth clauses thereof, and also the several clauses of the said Act with respect to "interpretation," "incorporation," "powers," "plans and surveys," "lands and their valuation," "highways and bridges," "fences," "tolls," "general meetings," "Directors, their election and duties," "shares and their transfer," "municipalities," "shareholders," "actions for indemnity and fines and penalties and their prosecution," "working of the Railway," and "general provisions," and also the several Acts amending the said Act as varied and modified respectively by the provisions of this Act, shall be incorporated with and form part of this Act; Except such provisions of said Railway Clauses Consolidation Act or of the Acts amending the same, as apply to matters and things for which express provision is made in this Act.

Certain clauses of 14 & 15 V. c. 51, as modified by Acts amending same, incorporated with this Act;

Exception.

29. The following shall be the amendments and modifications of the said clauses of the Railway Clauses Consolidation Act, so far as it relates to the said Company:

Interpretation of words.

Firstly.—As to "Interpretation" the words "Roadway" or "Railway" in this Act, or any other Act, affecting said Company,

"Roadway" or "Railway."

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Company, shall mean the Railway, the station buildings, engine houses, turn-tables, and all the fixtures and lands of the Company used and occupied by them for Railway purposes;

"Rivers."

Secondly.—As to Rivers—the sub-sections of section nine of the said Railway Clauses Consolidation Act shall be taken to mean and apply only to Rivers on which there is, at the time of the passing of this Act, such important lines of business or trade that the obstruction of the same by fixed bridges would have the effect of breaking up such trade or business, thereby causing a public injury;

"Map or Plan."

Thirdly.—The map or plan mentioned in the first sub-section of section ten shall be a plan of the surveys, and it shall only be necessary to deposit, with the respective Clerks of the Peace of the respective Counties or Union of Counties through which the said Railways shall pass, the portion of such maps or plan and such book of reference as shall relate to each such County or Union of Counties of which such officer is the Clerk of the Peace, and the maps or plan and book of reference for such sections of the respective County or Union of Counties may from time to time be certified and deposited as by the said sub-section required, in such sections, and the location thus completed as the said Company shall see fit;

Company may take lands accidentally omitted in "Map or Plan."

Fourthly.—Notwithstanding any thing in the ninth sub-section of the said section ten contained, the said Company may, without the consent of the proprietor, take such lands and so much thereof as shall be necessary and requisite for the purposes of said Company, whether the same shall be shewn on the original map or plan deposited as aforesaid, or not, or in the said book of reference, or shall exceed the quantity in said sub-section mentioned or not; but no such land so taken shall be applied by said Company to any other than the actual use of the said Company for the purposes of their Railway;

Corporations, &c., may convey lands to the Company.

Fifthly.—The first sub-section of section eleven shall be taken to include and mean all Rectors in possession of Glebe lands, Ecclesiastical or other Corporations, Trustees of Church and School lands, Guardians appointed by law and Guardians in Soccage, Executors whether invested with power over the Real Estate of their Testator, or not, and Administrators of persons dying intestate, but at the time of their death seized of Real Estate, and any Deed by the above mentioned parties shall vest in the Company the fee-simple of the lands in such Deed described; Also, all the provisions of said section eleven shall as to arbitrations, compensation, payment into Court, &c., apply to the lands taken from such parties as are named above;

"Railway."

Sixthly.—The word "Railway," in the second sub-section of the twelfth section, shall be taken to mean the Iron Rails of said Railway.

30.

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30. Where stone, gravel or any other materials is or are required for the construction or maintenance of said Railway or any part thereof, the Company may, in case they cannot agree with the owner of the lands on which the same are situate for the purchase thereof, cause a Provincial Surveyor to make a map and description of the property so required, and they shall serve a copy thereof, with their notice of arbitration, on such owner, and the said Company may thereupon proceed and ascertain the compensation by arbitration as in cases of acquiring the Roadway, and the notice of arbitration, the award, and the tender of the compensation shall have the same effect as in case of arbitration for the Roadway; and all the provisions of the Railway Clauses Consolidation Act as varied and modified by this Act, and the several Acts amending the said Act, as to the service of said notice, arbitration, compensation, deeds, payment of money into Court, the right to sell, the right to convey and the parties from whom lands may be taken, or who may sell, shall apply to the subject matter of this section and to the obtaining materials as aforesaid, and such proceedings may be had by the said Company either for the right to the fee simple in the land from which said material shall be taken, or for the right to take material for any time they shall think necessary; the notice of arbitration in case arbitration is resorted to, to state the interest required.

Company may hold land for gravel pits, &c.

Provisions of Railway Clauses Consolidation Act to apply as to obtaining and disposing of same.

31. Where said gravel, stone or other materials shall be taken, under the preceding section of this Act, at a distance from the line of the Railway, the Company may lay down the necessary siding and tracks, over any lands which may intervene between the Railway and the lands on which said material shall be found, whatever the distance may be, and all the provisions of the Railway Clauses Consolidation Act and of this Act, except such as relate to filing plans and publication of notice, shall apply and may be used and exercised to obtain the right of way from the Railway, to the lands on which such materials are situated; and such right may be so acquired for a term of years or permanently as the Company may think proper; and the powers in this and the preceding section may at all times be exercised and used in all respects after the Railway is constructed for the purpose of repairing and maintaining the said Railway

Company may lay down temporary tracks to the same.

32. It shall not be lawful for the said Company to divert permanently or change the line of any public road or highway until they have made a plan of such deviation, and submitted the same to the Government Inspector of Railways for his approval; a copy of which plan, signed by said Inspector, shall be deposited with the Clerk of the Peace of the County or United Counties in which said diversion is situate; and the said Company, upon obtaining such sanction and filing said plan, may divert such public road or highway, in the manner shewn on the said plan; and further, in every case of making

Power to divert public roads on approval of Government Inspector of Railways.

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making a deviation, as above provided for, the Railway Company shall have all the powers for acquiring the land necessary for the location of the new road or highway, and for any materials necessary to construct the same, and shall possess all the powers given by this Act for the acquiring of land for ballast or materials; and also, the said Company in all such cases shall place the new road or highway as near as can be in the same state of repair as the original road so diverted may have been in at the time of such diversion; and in all such cases, if the Railway Company require it for their Railway purposes, and in that case only, they shall have the right to take possession of and use the original highway so diverted.

New road to be as good as the original road.

All level crossings to be repaired by Company on order of the Inspector of Railways.

33. And with respect to public road crossings, in any case in which the said Company shall permit any level crossing to get out of repair, it shall be lawful for the Warden, Mayor, Reeve, or the other officer of the Municipality having jurisdiction over said road so crossed, to serve a notice upon the said Company, in the usual manner requiring the repairs (specifying them) to be made, and if the said Company shall not forthwith make the same, the said officer of said Municipality may transmit a copy of the said notice so served, as aforesaid, to the Inspector of Railways, and thereupon it shall be the duty of the said Inspector, with all possible despatch, to appoint a day when he will examine into the said cause of complaint, and shall by Mail give notice to the said Warden, Mayor or Reeve and said Company, of the day he shall so fix, and upon the day so named he shall examine the said crossing, and his certificate, under his hand, shall be final on the subject so in dispute between the parties; And also, if the said Inspector shall determine that any repairs are required, he shall specify the nature of such repairs in his said certificate, and direct the Company to make the same, and the said Company shall thereupon with all possible despatch comply with the requirements of said certificate, and in case of default it shall be lawful for the Municipality, having jurisdiction over the Road so crossed by the Railway, to make the said repairs, and they may recover all the costs and expenses in so doing, in an action against said Company in any Court of competent jurisdiction, as money paid to the said Company's use.

In default, the Municipality may repair same and recover all costs, &c., in usual way.

Powers of Board of Directors to appoint agents.

34. The Directors of the said Company may appoint such and so many Agents in this Province and in any other part of Her Majesty's dominions and elsewhere, as to them shall seem expedient, and may, by any By-law to be made for such purpose, empower and authorize any such Agent or Agents to do and perform any act or thing, or to exercise any powers which the Directors themselves or any of them may lawfully do, perform and exercise, except the power of making By-laws; and all things done by such Agent or Agents, by virtue of the powers in him vested by any such By-law, shall be as valid and effectual to all

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all intents and purposes as if done by such Directors themselves; any thing in any part of this Act to the contrary notwithstanding.

35. All the houses, lands, tenements, hereditaments, premises, railways, harbours, including the Port Dover harbour, docks, channels, creeks, wharves, piers, buildings, erections, works, ways, waters, franchises, easements, rights, privileges, powers, goods, chattels, property, assets and effects, whatsoever heretofore belonging to the Woodstock and Lake Erie Railway and Harbour Company, and the Amherstburgh and St. Thomas Railway Company and the Great South Western Railway Company and The Niagara and Detroit Rivers Railway Company, or any of them, and not heretofore duly aliened or departed with by the said Companies respectively, shall be, and the same and every part thereof is and are hereby vested in the Company incorporated under this Act; and the said Company last aforesaid shall have, possess and enjoy all and every the matters above enumerated, and all the rights, privileges, contracts, agreements, acts, deeds, lands, tenements, premises, property and easements aforesaid, and this Company shall assume and discharge all the debts, engagements, obligations and liabilities of the above named Companies; And the said Company incorporated by this Act shall have the rights, powers, privileges and authority, with respect to the Port Dover Harbour and to the tolls and revenue, and the collection thereof, and to the said Harbour formerly vested in the Port Dover Harbour Company as fully and effectually as if the same had been invested in this Company; Provided always, that all contracts, if any there be, heretofore entered into with any party or parties for the construction of the whole or any part of the line of Railway, by the said recited Acts or by this Act authorized to be constructed, shall be and are hereby declared to be cancelled, null, void and of no effect.

Real and personal estate of late Woodstock and Lake Erie Railway and Harbour Company and the late Amherstburgh and St. Thomas Railway Company to vest in the Company hereby incorporated.

Company to assume liabilities.

As to Port Dover Harbour.

Proviso.

36. The Company may unite or make traffic arrangements with any other Railway Company or Companies in this Province, or with the International, and any other Bridge Company, or may lease the Railway of any other Company, with the necessary conveniences for the purposes of such union, occupation or traffic arrangements, and the Board of Directors of such Railways, and the International and other Bridge Company may agree upon such union, lease or traffic arrangements, and grant facilities for the same, and in case of disagreement as to the amount of compensation to be made therefor, or as to the facilities to be granted under such traffic arrangements, union or lease, the same shall be determined by one or more arbitrators appointed on application of either Company, upon notice to the other, by a Judge of one of Her Majesty's Superior Courts of Upper Canada.

Company may unite or make traffic arrangements with other Companies.

Terms thereof may be determined by arbitration.

37.

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Company may amalgamate, &c., with the Brantford and South-Western Railway Company.

37. The Brantford and South-Western Railway Company shall have power, and is authorized, in pursuance of any resolution to that effect, adopted at a special general meeting of the Shareholders, duly convened for that purpose, to amalgamate, connect or unite with this Company, or to lease or sell their line of road and appurtenances, or any part thereof, upon such terms and conditions as may be agreed upon by the said Companies; which said amalgamation, sale, lease or agreement, the said Brantford and South-Western Railway Company is hereby fully authorized to effect with this Company, upon resolutions to be adopted by a majority of their respective Shareholders, at a special general meeting to be convened for that purpose; Provided always, that all such rights, powers, terms and conditions as shall be set out in the deed of or agreement for such amalgamation, lease or purchase, shall alone be binding upon the Companies so amalgamating, leasing, purchasing or selling, and such amalgamation, purchasing or selling shall not render either Company liable for any consideration, matter or thing beyond the said terms and conditions; and the said Company may extend their line of railway to some point on the Grand Trunk Railway, and all the provisions of the Acts incorporating and relating to the Companies and all the provisions of the Railway Clauses Consolidation Act, as also the several Acts amending the said Act as varied and modified respectively by the provisions of this Act, and this Act, shall apply as effectually as if such extension or amalgamation had been mentioned and described in such Acts.

Proviso.

May extend road to Grand Trunk Railway.

Limitation of actions.

38. If any action or suit shall be brought against any person or persons for any matter or thing done in pursuance of this Act, such action or suit shall be brought within six calendar months next after such cause of action arose; and the defendant or defendants in such action or suit may plead the general issue only, and give this Act and the special matter in evidence on the trial.

Powers to construct Docks, and steam ferry boats on Detroit River.

39. The Company shall have full power under this Act, to purchase and hold river frontage, on the River Detroit, and to build wharves or docks thereon; also to construct, build or purchase and hold, such Steam Ferry Boats as they may require to enable them to convey passengers and freight across the River Detroit, or to such point on the American shore of Lake Erie, as may be necessary to enable them to connect with the various Railways running westward, and they shall have power to dispose of the same, if so inclined, or to charter any other Steam Vessel, not being their own property, to perform this service.

Railway to be completed in five years.

40. The said Railway shall be completed within five years from and after the passing of this Act.

Public Act.

41. This Act shall be deemed a Public Act.

SCHEDULE.

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SCHEDULE A.

Form of conveyance.

Know all Men by these Presents that I, A. B., of , do hereby, in consideration of , being the purchase money paid to me by the Niagara and Detroit Rivers Railway Company, the receipt whereof I do hereby acknowledge, grant, bargain, sell, convey and confirm unto the said Niagara and Detroit Rivers Railway Company, their Successors and Assigns, for ever, all that certain tract or parcel of land, situate, &c., (*here describe the land,*) the same having been selected by the said Company for the purpose of their Road, Harbour, Wharf or Pier, (*as the case may be*).

To have and to hold the said land and premises, together with the hereditaments and appurtenances thereto belonging, to the said Niagara and Detroit Rivers Railway Company, their Successors and Assigns for ever.

Witness my hand and seal, this day of , A. D., 18 .

Signed, sealed and delivered
in presence of
C. D. A. B. [L. S.]

CAP. XCI.

An Act to alter and amend the Act twenty-second Victoria, chapter eighty, relating to the London and Port Stanley Railway Company.

[*Assented to 4th May*, 1859.]

Preamble. 22 V. c. 80.

WHEREAS by an Act passed in the twenty-second year of Her Majesty's reign, chapter eighty, intituled, *An Act to vest certain portions of Bathurst Street, in the City of London, in the London and Port Stanley Railway Company, and to facilitate the said Company in the disposal of certain of their real estate*, power is granted to the said company, amongst other things, to sell and dispose of all lots and parcels of lands lying and being in the City of London and Town of St. Thomas, and not then used or occupied by the said Company for the purposes of the said Railway, or any other purposes of the said Company, and doubts have arisen as to whether the said Company have power under the said Act to sell the said lands and to convey the same free and discharged from all incumbrances, and it is expedient to remove the said doubts: Therefore, Her Majesty, by and with the advice and consent of the Legislative Council and Assembly of Canada, enacts as follows:

Company may sell certain

1. It shall be lawful for the London and Port Stanley Railway Company, and the said Company shall have full power and

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lands, freed from all incumbrances.

and authority, and they are hereby authorized to sell and dispose of all lots and parcels of land the property of the said Company and situate and lying in the City of London and Town of Saint Thomas aforesaid, and not now used or occupied by the said Company for the purposes of their said Railway, or for any other purposes of the said Company, in such blocks or parcels, either for cash or upon such terms of payment as may be deemed most advantageous, and to grant to the purchaser or purchasers good and sufficient deeds in the law under their corporate seal, freed and discharged from all incumbrances of every description whatever; and the proceeds of such sale or sales shall be appropriated first in payment of the amount due by the said Company to landowners for right of way,—and, if any thing shall remain after paying such claims, then either towards the payment of the privileged debt of the said Company or to the improvement of the permanent way of their Railway, as the Directors of the said Company for the time being may deem most expedient; but no purchaser or purchasers of the said land shall be bound to see to the due application of the proceed of such sales, any law or usage to the contrary notwithstanding.

How the proceeds shall be disposed of, &c.

Provision if the lands are sold on credit.

2. In case it shall be deemed expedient for the said Company to sell the said lands or any part thereof upon credit, then it shall be lawful, and full power and authority are hereby granted to the said Company, to grant conveyances in manner aforesaid, and to take back from such purchaser or purchasers security by way of mortgage upon the said lands for the whole or such portion of the purchase money as may by the terms of sale be agreed upon; and it shall also be lawful for the said Company, if deemed most advisable, to sell the said mortgages and appropriate the proceeds thereof to the purposes hereinbefore mentioned.

Public Act.

3. This Act shall be deemed a Public Act.

CAP. XCII.

An Act to amend the Acts relating to the Welland Railway Company.

[*Assented to 4th May*, 1859.]

Preamble.
16 V. c. 136.

WHEREAS an Act was passed in the sixteenth year of Her Majesty's Reign, intituled, *An Act to incorporate the Port Dalhousie and Thorold Railway Company*, under which a Company was incorporated for the purposes therein mentioned; And whereas by another Act passed in the session held in the nineteenth and twentieth years of Her Majesty's Reign, intituled, *An Act to extend the line of the Port Dalhousie and Thorold Railway Company*, the powers of the Company were extended and enlarged; And whereas another

19, 20 V. c. 23.

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another Act was passed in the twentieth year of Her Majesty's Reign, intituled, *An Act to increase the capital stock of the Port Dalhousie and Thorold Railway Company, and to change the name of the Company*, under which Act the powers of the Company have also been extended and enlarged, and the name of the Company has been changed to the "Welland Railway Company:" And whereas it is expedient that the powers of the Company should be further amended, and extended, and that further provision should be made for the appointment of Directors, and the regulation and management of the affairs of the Company: Therefore, Her Majesty, by and with the advice and consent of the Legislative Council and Assembly of Canada, enacts as follows: 20 V. c. 141.

1. In citing this Act, it shall be sufficient to use the expression "The Welland Railway Act, 1859," and the expression "the Company" as herein used, shall denote the Welland Railway Company. Short Title: Interpretation.

2. The present Directors may continue to act so far as necessary for carrying on the business of the Company, until twenty-one days after the appointment of Directors under the authority of this Act; and within six months from the passing of this Act, the Directors shall, and they are hereby required to convene a special general meeting of the Shareholders, in the manner hereinafter prescribed for convening general meetings, for the purpose of fixing the number, rotation, mode of appointing, and constitution of the Board of Directors, and of appointing Directors in lieu of the existing Directors; but any present Director may be re-elected. Present Directors continued until, &c. Special general meeting to be called, for considering the constitution of the Board, &c.

3. It shall be lawful for the Company, by resolution of any special general meeting, from time to time, to make any alteration in the numbers, rotation, mode of appointing, constitution or composition of the Board of Directors, and to fix and assign such remuneration as they may think fit to the Chairman, Vice-Chairman, or any other of the Directors; provided that the number of Directors shall in no case be more than nine nor less than five; and provided that the total amount of the expenditure of management in England and in Canada shall not exceed eight thousand dollars per annum, one half in each country, until a dividend has been declared of eight per cent. per annum on the share capital of the Company. Constitution of the Board may be altered, &c. Number of Directors and expenses of management limited.

4. Whenever it shall be deemed expedient by the Board of Directors that a general meeting of shareholders shall be held, the Directors may convene such meeting by advertisement and circular in manner hereinafter mentioned, in which advertisement and circular the business to be transacted at such meeting shall be expressly stated; and such meetings may be held at such places in Canada, or in England, as the Directors shall from time to time appoint, but so long as the greater part of the Mode of convening general meetings. Place of holding. Proviso.

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the stock or shares of the Company is held by shareholders who are resident in England, all meetings, whether ordinary or special, shall be held in England.

Notice to Shareholders.

5. Notices of general meetings, whether ordinary or special, shall be given by advertisement, to be inserted once in a London daily morning paper, and a copy of such notice shall also be addressed by post to each shareholder at his address on the Register, not less than forty days before the holding of such meeting.

Residence of Directors.

Quorum.

By-laws.

6. The Directors may be resident in England or in Canada, and may hold their meetings at such places as they may from time to time appoint, and may fix the number of Directors to constitute a quorum, such quorum not being less than three, and may make such By-laws for the government and regulation of the affairs of the Company, and for the transfer of shares, as they may from time to time think necessary or expedient, the said By-laws being such as the Company may make under the Acts first cited.

Directors may appoint a Director or Committee to manage the Railway.

Company may sue, &c., in Canada.

Service of process.

7. The Board of Directors may appoint one of their body to be a Managing Director, or may appoint a Committee, or both, for the purpose of conducting and managing the working of the Railway and the maintenance and repair thereof, and the regulation and management of the traffic thereon, and may delegate to such managing Director or Committee, or both, all necessary powers for managing and working the Railway: nothing in this Act shall prevent the Company from suing and being sued in this Province, and the service of any process at their head office on the line of the said Railway, shall be sufficient in any suit or proceeding by or against the Company in this Province.

Directors may vote by proxy.

8. The Directors may vote at meetings of the Board by proxies, such proxies being themselves Directors; and such proxies may be in the following form or to the like effect:

Form.

I hereby appoint , of , Esquire, one of the Directors of the Welland Railway Company, to be my proxy as a Director of the said Company, and, as such proxy, to vote for me at all meetings of the Directors of the said Company, and generally to do all that I could myself do as such Director, if personally present at any such meeting.

Dated this day of , 185 .

(Signed) A. B.

Proviso.

But no Director shall hold the proxies of more than three other Directors.

9.

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9. The share capital of the Company is hereby declared to consist of seven thousand old shares of one hundred dollars each, fully called up, (five thousand of which shares have been appropriated to shareholders in England, and two thousand to shareholders in Canada,) and three thousand new shares of like amount, on which eighty-five per cent. has been called up, of which new shares one thousand have been appropriated to shareholders in Canada, and two thousand to shareholders in England.

Amount and nature of share capital declared.

10. Whereas the Company have issued Bonds to the extent of one hundred thousand pounds sterling, (each Bond being for one hundred pounds sterling, and bearing interest at the rate of six per cent.) for securing which Bonds a Mortgage of the Railway has been executed to William Proudfoot, of the City of Toronto, Esquire, President of the Bank of Upper Canada, John Powell, of the Town of Niagara, in the Province of Canada, Esquire, Registrar of the County of Lincoln, and Thomas Lees Helliwell, of the Town of St. Catharines, Cashier of the Bank of Upper Canada, in St. Catharines, Trustees; And whereas the said Bonds fall due at the following periods, namely :

Amount of Bonds issued by the Company, &c., and mortgage for security thereon.

When they become due.

On 1st July, 1862.....	£20,000
On 1st July, 1866.....	15,000
On 1st July, 1867.....	20,000
On 1st July, 1872.....	20,000
On 1st July, 1877.....	25,000

It is enacted, that if the Company pay off any part of the said sum of one hundred thousand pounds, it shall be lawful for them again to borrow the amount so paid off by an issue of new Bonds, at any period of payment the Directors may determine upon, and so from time to time, and every Bond issued in lieu of any Bond paid off, shall have the same advantage of security under the before mentioned Mortgage as the Bond paid off would have had.

Company may issue new bonds to redeem those now outstanding and with the same privileges.

11. The Directors may agree with the holders of any shares in the Company for the cancellation of all or any part of such shares, on such terms and conditions as they may think expedient, and may for that purpose employ such funds of the Company as may be necessary to effect the cancellation, and they may issue other shares in the place of such cancelled shares, on such terms and at such discount as they may think fit.

Shares may be cancelled.

12. Duplicates of all registers of shares and debentures of the company and of the shareholders thereof, which shall at any time be kept at the office of the Company in England,—such duplicates being authenticated by the signature of the secretary of the company if resident in England, and if not so resident, by

Duplicate Registers of shares to be made: one to be kept in England and one in Canada,

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for the purpose of the transfer of shares.

by an agent or director of the Company,—may be transmitted to and kept by the Assistant Secretary or other officer of the Company in Canada: Whenever any transfer shall be made in Canada of any share in the Company, the delivery of the transfer duly executed to the Assistant Secretary or other officer of the Company at the office in Canada, shall be sufficient to constitute the transferee a shareholder in respect of the share so transferred; and such Assistant Secretary or other officer shall transmit an accurate list of all such transfers to the Secretary or other Agent or officer of the Company in England, who shall thereupon make the requisite entries in the Register; and the Directors may from time to time make such regulations as they shall think fit for facilitating the transfer and registration of the shares in England and in Canada, and as to the closing of the Register.

Preference dividends may be paid on a certain excess of payment on shares.

13. And whereas many of the shareholders in the said Company have paid the full amount, while others have only paid the sum of sixty-five per cent. on their shares, and it has been agreed upon that the thirty-five per cent. paid on certain shares in excess of others should be preferred: It is therefore enacted, that it shall be lawful for the Directors to pay preference dividends, and in priority of the ordinary dividends of the Company (not exceeding six per centum per annum) on the thirty-five per cent. of the shares paid in full, until the full amount of the share capital shall be called up; but such preferred dividends shall be subject and postponed to the payment of interest on all bonds of the Company.

Bonds to be first paid.

Mayor of St. Catharines to be an *ex officio* Director.

14. While the Corporation of the Town of St. Catharines shall continue to hold shares in the said Company to the amount of not less than five hundred shares, the Mayor of the said Corporation shall continue to be *ex officio* one of the Directors of the Company in addition to those authorized to be chosen under the third section of this Act.

Recital.

Canadian Shareholders may receive interest as the English ones have done.

15. Whereas eight per cent. interest has been paid in England on the amount of capital paid in upon call, the said payment is therefore hereby legalized and made valid, and it is further enacted, that whenever the receipts of the Company over and above all charges for interest on the bonds and other debts shall be sufficient, the same rate of eight per cent. shall be paid to the Canadian shareholders who have paid up their calls, from the date of such payment and for the time the English shareholders shall have continued to receive that rate.

Company may lease their Railway to any other Company.

16. It shall be lawful for the Company, with the consent of two thirds of the votes of the proprietors voting in person or by proxy at any general meeting convened with notice of the intended object, to grant, and for any other Railway Company with the like consent, to accept a lease of the undertaking for such term, at such rent, and upon such conditions as may be agreed

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agreed upon, or with such consent as aforesaid, to become the purchasers of or jointly interested in the undertaking of the Company, and to provide and raise, if necessary, the capital for such purposes; It shall be lawful for the Directors of the Company at any time, from time to time, to make and enter into any agreement or arrangement with any other Company either in this Province or elsewhere, for the regulation and interchange of traffic passing to and from the Railways of the said Companies and for the working of the traffic over the said Railways respectively, or for either of these objects separately, and for the division and apportionment of the tolls, rates and charges in respect of such traffic, and generally in relation to the managing and working of the Railways respectively or any part thereof, and the provision of working stock for any term not exceeding twenty-one years, and to provide for the appointment of a Joint Committee or Committees for the better carrying into effect any such agreement or arrangement, with such powers and functions as may be considered necessary or expedient,—provided that such agreement is approved by the votes of two thirds of the shareholders of the respective Companies present in person or by proxy at meetings of the respective Companies convened with notice of the object.

May enter into arrangements with other Companies for certain purposes.

17. This Act shall not take effect until the whole of the remaining bonds agreed to be taken, at the meeting of shareholders in London on twenty-first December, one thousand eight hundred and fifty-eight, shall have been taken and paid for on the terms then stipulated.

When this Act shall take effect.

18. This Act shall be deemed a Public Act.

Public Act.

CAP. XCIII.

An Act for the relief of the Port Hope, Lindsay and Beaverton Railway Company.

[*Assented to 4th May*, 1859.]

Preamble.

WHEREAS under the provisions of the Act of the Legislature of this Province, intituled, *An Act to grant additional aid to the Grand Trunk Railway Company of Canada*, 19, 20 V. c. 111. the said Grand Trunk Railway Company of Canada have assisted the said the Port Hope, Lindsay and Beaverton Railway Company to the extent of the sum of thirty thousand pounds of sterling money of Great Britain, and have received from the said the Port Hope, Lindsay and Beaverton Railway Company, bonds of the said Company for the said sum of thirty thousand pounds, which said bonds form part of an issue of bonds amounting to the sum of one hundred and twenty-five thousand pounds of such sterling money, secured by a first mortgage executed by the said Company for the purpose of securing payment thereof; And whereas the said the Port Hope, Lindsay and Beaverton Railway Company have applied

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to the said the Grand Trunk Railway Company of Canada to grant them further aid and assistance by returning the said thirty thousand pounds of first mortgage bonds, and propose to exchange therefor bonds for a like sum of thirty thousand pounds to be issued under the authority of this Act; And whereas it is expedient to empower the said the Grand Trunk Railway Company of Canada to comply with such application: Therefore, Her Majesty, by and with the advice and consent of the Legislative Council and Assembly of Canada, enacts as follows:

Company may issue new bonds for £30,000 sterling, to rank after the first mortgage bonds.

1. The Port Hope, Lindsay and Beaverton Railway Company shall and may issue bonds to the extent of thirty thousand pounds of sterling money of Great Britain under the authority of this Act, which said bonds and the interest payable thereon shall take rank and precedence immediately after the bonds already issued and secured by the said mortgage, amounting to one hundred and twenty-five thousand pounds sterling;

Proviso.

Provided always, that nothing herein contained shall have the effect of postponing or invalidating any security heretofore granted by the said company, or any judgments now in force against them, but the same shall be and remain in full force and effect as if this Act had not been passed.

Grand Trunk Railway may accept the said bonds in lieu of the first mortgage bonds they now hold; lien for new bonds.

2. The Grand Trunk Railway Company of Canada may accept the Bonds of the Port Hope, Lindsay and Beaverton Railway Company first referred to in the preceding section to the extent of thirty thousand pounds sterling in substitution of the first mortgage Bonds of the said Port Hope, Lindsay and Beaverton Railway Company for thirty thousand pounds which the said Grand Trunk Railway Company of Canada now holds and the said Grand Trunk Railway Company of Canada shall have the first charge and lien on the Port Hope, Lindsay and Beaverton Railway Company, its properties, and rolling stock for securing the repayment of the said thirty thousand pounds sterling with interest next immediately after the holders for the time being of the first mortgage bonds for one hundred and twenty-five thousand pounds sterling referred to in the said section, and also in the preamble of this Act.

Company may re-issue the bonds received back from G. T. R. Company.

3. The Port Hope, Lindsay and Beaverton Railway Company may re-issue the first mortgage bonds for thirty thousand pounds sterling so to be received back by them from the Grand Trunk Railway Company of Canada, and the same, when re-issued, shall still form part of the one hundred and twenty-five thousand pounds sterling, of first mortgage bonds above referred to.

As to charges on Branch Line from

4. The branch line of Railway constructed by the Municipalities of Port Hope and Peterborough, from Millbrook to Peterborough shall not be charged or encumbered by any thing in

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in this Act contained, beyond what it would have been, had no such Act been passed. Millbrook to Peterborough.

5. This Act shall be deemed a Public Act. Public Act.

CAP. XCIV.

An Act to amend the Acts incorporating the Port Whitby and Lake Huron Railway Company.

[*Assented to 4th May*, 1859.]

WHEREAS by an Act passed in the twentieth year of Her Majesty's Reign, intituled, *An Act to revive and amend a certain Act passed in the sixteenth year of Her Majesty's Reign, and intituled, 'An Act to incorporate the Port Whitby and Lake Huron Railway Company,'* it is therein enacted, that before any general meeting of the Shareholders of the said Company can be convened for the purpose of electing Directors, it shall be necessary that one hundred thousand pounds of the Capital Stock of the said Company shall have been subscribed, and ten per cent. paid thereon; And whereas it is desirable to facilitate the early construction of a part of the said Railway, and for this purpose and for the more efficient and satisfactory management of the said Company, that a Board of Directors thereof should be elected by the several parties and Municipalities who have subscribed or who may hereafter subscribe for shares in the Capital Stock of the said Company, and it is therefore expedient and necessary that the above recited Act should be amended: Therefore, Her Majesty, by and with the advice and consent of the Legislative Council and Assembly of Canada, enacts as follows: Preamble.

1. The sixth section of the above recited Act shall be and is hereby amended, by striking out the words "One Hundred Thousand Pounds," and substituting in lieu thereof, the words "Seventy Thousand Pounds." Amount required before commencing operations reduced.

2. This Act shall be deemed a Public Act. Public Act.

CAP. XCV.

An Act to amend the Act incorporating the Megantic Junction Railway and Navigation Company.

[*Assented to 4th May*, 1859.]

WHEREAS in and by the third section of the Act sixteenth Victoria, chapter one hundred and four, the Megantic Junction Railway and Navigation Company is authorized to construct a Railway from some point on the line of the Quebec Preamble.

 and

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and Richmond Railroad, in the vicinity of the River Becancour, to the Townships of Leeds, Halifax, Inverness and New Ireland, in the County of Megantic, with the powers and privileges and upon the conditions in the said Act mentioned; And whereas it is necessary for the promotion of the said Railway, and for the benefit of the inhabitants of the said County and of the adjacent Counties, that the said line of Railway should be extended beyond the said Township of New Ireland: Therefore, Her Majesty, by and with the advice and consent of the Legislative Council and Assembly of Canada, enacts as follows:

Extension of the Railway authorized.

1. The said Company are hereby authorized further to extend the said Railway from the said Township of New Ireland to some point in the vicinity of Lake St. Francis, in the said County, and thence, in the direction of Lake Megantic or across the River Chaudière, to any point near to or on the southern boundary of the said County of Megantic.

To be made within a certain time.

2. The said extension shall be commenced within three years and finished within seven years from the passing of this Act.

Capital increased.

3. The Capital Stock of the said Company shall be increased by the sum of two hundred thousand pounds, and the same proportion thereof shall be paid up as provided in the Act incorporating the said Company, before this Act shall take effect.

Act of incorporation, &c., to apply to such extension.

4. All and every the clauses of the said Act sixteenth Victoria, chapter one hundred and four, shall apply to this Act and to the extended line of Railway herein provided for; and the several clauses of "The Railway Clauses Consolidation Act" enumerated and embodied in the said Act, and none other, shall apply to this Act and the said last mentioned Act.

Public Act.

5. This Act shall be deemed a Public Act.

CAP. XCVI.

An Act to incorporate the Carillon and Grenville Railway Company.

[*Assented to 4th May*, 1859.]

Preamble.

WHEREAS John J. C. Abbott, Isaac Jones Gibb, John Grant, J. Auld, The Honorable John Molson, John Ostell, J. S. Hunter, James H. Springle, William F. Coffin, J. C. Baker, Alexander Cross, Cortlandt Freer, William Molson, William Murray, William Lunn, and Harry Abbott, interested in the purchase at Sheriff's sale of that part of the Montreal and Bytown Railway lying between Carillon and Grenville on the Ottawa River, or desiring to promote the enterprize of completing and working

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working that part of the said Railway, have, by their petition, prayed for an Act of Incorporation, and it is desirable, in order to facilitate the completion of that part of the said Railway, and to afford the public the advantages of keeping the same in operation, that the prayer of the said petition should be granted, and a company incorporated with the powers hereinafter specified: Therefore, Her Majesty, by and with the advice and consent of the Legislative Council and Assembly of Canada, enacts as follows:

Certain persons incorporated.

1. John J. C. Abbott, and Alexander Cross, Cortlandt Freer, Isaac Jones Gibb, John Molson, William Molson, William Murray, William Lunn, Harry Abbott, with all such other persons and corporations as shall become shareholders in such company as is hereinafter mentioned, shall be and are hereby ordained, constituted and declared to be a body corporate and politic in fact and in name, by and under the name and style of the "Carillon and Grenville Railway Company."

Corporate name.

Certain clauses of General Railway Act incorporated.

2. The first, second, third and fourth clauses of the "Railway Clauses Consolidation Act," the second sub-section of the twenty-second clause, and also the several clauses of the said Act with respect to "Interpretation," "Incorporation," "Powers," "Lands and their valuation," "Highways and Bridges," "Fences," "General Meetings," "Directors, their election and duties," "Shares and their transfer," "Actions for Indemnity," "Fines and penalties and their prosecution," shall be incorporated with this Act.

Company may make road from Carillon to Grenville.

3. The said Company and their agents and servants shall have full power under this Act to lay out, complete and finish the present line of railway between Carillon and Grenville so as to make it extend to the Ottawa River or to convenient wharves or landing places at each of the said Carillon and Grenville, at points which they may at any time and times select as proper for the termini of the said railway, and thereafter if they deem it advisable to construct and complete a double or additional tracks between the aforesaid termini.

And erect necessary bridges.

4. The said Company shall have power to make and construct such Bridges as they may require for the purposes of their said Railway.

May take wild lands of the Crown for Railway purposes.

5. It shall and may be lawful for the said Company to take and appropriate for the use of the said Railway, but not to alienate, the beach of the river and so much of the lands covered with the waters of any river, stream, lake or canal, or of their respective beds, as may be found necessary for the making and completing or more conveniently using the same, and thereon to erect such wharves, quays, inclined planes, bridges, cranes and other works, as to the Company shall seem meet; And it shall not be lawful for the said Company to construct any wharf,

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wharf, bridge, pier or other work upon the public beach or bed of any navigable river or stream, or upon the lands covered with the waters thereof, until they shall have submitted the plan of such work to the Governor in Council, nor until the same shall have been approved by him in Council as aforesaid.

Amount of capital stock, and number of shares.

Application of the capital.

Five per cent. to be paid on subscribing.

6. The capital stock of the said Company for the Railway shall not exceed the sum of two hundred thousand dollars, to be divided into two thousand shares of one hundred dollars each, which amount shall be raised by the persons and corporations who may become shareholders in such stock, and the said money so raised shall be applied in the first place towards the payment and discharge of all fees, expenses and disbursements for procuring the passage of this Act, and for making the surveys, plans, and estimates connected with the railway, and all the rest and remainder of such money shall be applied towards the acquisition in the manner hereinafter directed of that portion of the said railway which has already been constructed, and the lands occupied by the same, and the buildings in connection therewith and also towards the making, completing, and maintaining the said railway and providing it with rolling stock, and other purposes of this Act, and to no other purpose whatever; And five per centum shall be payable on the amount of stock at the time of its subscription, but if not then paid, it shall be due on demand with interest until and unless it may be afterwards differently ordered by the Directors.

Company may borrow money on debentures.

Form thereof.

And their registration.

Effect of such registration.

7. For the purpose of completing the said Railway, and reimbursing the outlay made upon it since the said purchase thereof, the said company shall be and are hereby authorized to borrow money upon their debentures to an extent not exceeding the sum of one hundred thousand dollars at any rate of interest not exceeding eight per centum per annum, and the said debentures may be in the form contained in the Schedule A, annexed to this Act, or in any other convenient form similar thereto, and need not be before Notaries, and shall have the effect of creating a mortgage or hypotheque upon the said Railway and the lands and property thereof; and the registration at full length of a debenture (without the interest coupons thereto attached) in the said form, in the Registry Office for the County of Argenteuil, which said registration for the purposes of this Act, and of the loan to be made in virtue thereof, shall be held and deemed to be a special registration of the said Railway and of all the lands and property thereof in each County or locality through which the Railway may pass or lie, shall perfect the mortgage and hypotheque created by such debenture as regards all parties whatsoever, and the debenture, and mortgage, and hypotheque thereby created shall be to all intents and purposes binding upon the said Company in favor of the holder of the debenture, and have the effect of mortgaging and charging all the land and property of the said Company without any

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any more formal or particular description, but the description in the said Schedule A shall be held to comprehend all the lands and tenements of the said Company, all wharves and buildings of every nature thereon, and in short all the immoveable estate belonging to the said Company, including the rails and iron thereto affixed, any law or usage to the contrary notwithstanding; and such debentures may be made payable either in currency or sterling, and either at any place in Canada or at any place in Great Britain, as the Directors of the said Company may see fit; Provided that at no time shall the debenture debt of the Company exceed the amount of the Capital Stock paid up; And provided further, that the Debenture and Share Capital together shall at no time exceed the said sum of two hundred thousand dollars.

Proviso.

Proviso.

8. If after the registration in the County Registry Office of a debenture of the said Company creating a mortgage or hypotheque, such a debenture shall be presented at the Registry Office wherein it was registered with the word "cancelled" and the signature of the President, or other duly authorized Director of the said Company or of the Secretary and Treasurer of the said Company, written across its face, the Registrar or his Deputy, on receiving the fee of one shilling and three pence in that behalf and on proof of the cancellation by the oath of one credible witness (which oath the Registrar or his Deputy is hereby authorized to administer) shall forthwith make an entry in the margin of the register against the registry of such debenture, to the effect that the same has been cancelled, adding to such entry the date thereof and his signature, and thereupon the cancelled debenture shall be filed and remain of record in the said Registry Office.

Cancellation of debentures when paid off.

9. And with respect to the registration of the Debentures of the said Company and the cancellation thereof,—Be it enacted, that the said Company shall, at their own expense, deposit in the said Registry Office wherein such their debentures are hereby required to be registered, blank debentures in the form of the schedule annexed to this Act, without its being necessary to add the coupons thereto, bound together in a book and having the pages thereof numbered and signed by the Secretary of the Company, and thereupon the Registrar and his Deputy shall be bound to receive and retain the same as one of the registry books of his office, and to register therein the said debentures of the Company instead of registering them in the ordinary registry books of the office, receiving for the registration of each such debenture, and the certificate of such registration thereon written, a fee of one shilling and three pence, and no more, any ordinance or law to the contrary notwithstanding.

Manner and costs of registration and cancellation of debentures.

10. Any three of the persons named in this Act shall have power to open stock books and receive subscriptions of stock

First general meeting of Stockholders.

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stock for the said Company, and receive payment on account of such stock; and within one month after this Act shall be passed, a general meeting of the Shareholders shall be held at the City of Montreal, for the purpose of putting this Act into effect, which meeting shall be called by any three of the persons named in this Act, ten days' notice thereof being given by advertisement in one of the newspapers of the said City of Montreal, at which meeting the Shareholders present having paid five per cent. on their stock subscribed, shall either in person or by proxy choose five Directors in the manner and qualified as hereinafter mentioned, who together with the *ex officio* Directors, as provided by the Railway Clauses Consolidation Act, and the Acts amending the same, shall hold office until the first annual general meeting for the election of Directors, and until others are elected in their stead.

Election of first Directors.

Annual general meetings.

11. On the second Monday in January in each year, at such place as may be appointed by a By-law of the said Company, and in default thereof at such place as may be specified in the notice thereof, a general meeting of the Shareholders shall be held for the transaction of business and the election of Directors, of which meeting two weeks' notice shall be given in one of the newspapers published in the City of Montreal, and thereat there shall be chosen five Directors from among the Stockholders, having each ten shares of the capital stock of the said Company, which amount of stock shall constitute the qualification of a Director; and the manner of voting for Directors shall be by ballot, unless otherwise determined by the meeting; and if a vacancy shall at any time occur among the Directors by death, resignation or removal from the Province, such vacancy shall be filled for the remainder of the year by a majority of the Directors; and three Directors shall form a quorum for the transaction of business.

Election of Directors.

Vacancies among Directors.

Mayors, &c., to represent Municipal Corporations.

12. The stock which may be subscribed for by Municipal Corporations shall be represented by the Mayor, Warden or Reeve, from time to time being of such Municipal Corporations subscribing to the said Railway, or by such person as shall be appointed by resolution of such Municipal Council respectively.

Scale of votes

13. Each shareholder shall be entitled to a number of votes equal to the number of shares which he or they shall have held in his or their name, at least three weeks previous to the time of voting; Provided always, that no party or parties shall be entitled to vote at the meetings of shareholders, who shall not have paid up all the calls due upon his, her or their stock, or the stock upon which such party claims to vote.

Proviso: calls must have been paid.

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14. It shall and may be lawful for the Directors at any time to call upon the shareholders for such instalments upon each share which they or any of them may hold in the capital stock of the said Company, in such proportions as they may see fit, so as no instalment shall exceed ten per centum on the amount of each share, giving at least one month's notice for each call in such manner as they shall appoint.

Directors may call in instalments.

15. It shall and may be lawful for the President and Directors of the said Company, from time to time, to fix and regulate the tolls and charges to be received for the transmission of property and persons on the said Railway, subject to the approval of the Governor in Council.

Tolls, how to be fixed.

16. In case of neglect or refusal to pay the toll or freight due to the said Company on any goods, they shall have the power to detain the same until payment of such freight be made, and in the meantime such goods shall be at the risk of the owner, as provided in the said "Railway Clauses Consolidation Act," and if such goods be of a perishable nature, the said Company shall have the right to sell the same forthwith on the certificate of two competent persons establishing the fact of their being so perishable; and if such goods be not of a perishable nature, and shall remain unclaimed for a period of twelve months, it shall be lawful for the said Company after giving one month's notice in two newspapers published at or nearest the locality where such goods may be, to dispose of the same by public auction, and to hand over to the owner the produce of such sale, if he shall claim the same, after deduction of the said tolls, freight, and of the expenses incidental to any such sale.

Collection of tolls on freight by seizure and sale.

17. The said Company shall have power to become parties to promissory notes and bills of exchange for sums not less than twenty-five pounds; and any such promissory note made or endorsed, and any such bill of exchange drawn, accepted or endorsed by the President of the Company or Vice-President, and countersigned by the Secretary and Treasurer, and under the authority of a majority of a quorum of the Directors, shall be binding upon the said Company, and every such promissory note so made, drawn, accepted or endorsed by the President or Vice-President of the said Company, and countersigned by the Secretary and Treasurer as such after the passing of this Act, shall be presumed to have been properly made, drawn and accepted, as the case may be, for the Company, until the contrary be shewn, and in no case shall it be necessary to have the seal of the Company affixed to any such bill of exchange or promissory note, nor shall the President, Vice-President or Secretary and Treasurer of the Company so making, drawing, accepting or endorsing any such promissory note or bill of exchange, be thereby subjected individually to any liability whatever; Provided always, that nothing in this section shall be construed to authorize the said Company to issue any note payable

Company may become parties to Promissory Notes, &c.

Proviso: Against Banking.

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payable to bearer, or any promissory note intended to be circulated as money or as the notes of a Bank.

May make agreements respecting fences &c., along the Line.

18. The said Company may agree with any proprietor and proprietors of land over whose property the said Railway may go, as to the making and keeping up of the fences separating the said Railway from such lands, and as to the making and keeping up of any gates, bridges, culverts, crossings or cattle guards, and as to the consequences of the neglect of keeping the same, or any of them in repair, and such agreement, being registered in the Registry Office for the County wherein the land is situate, shall be binding as well on the then proprietors of such land as on their successors, according to the tenor and purport of such agreement; Provided always, that nothing in this section shall be considered as preventing the laws of prescription from applying to these transactions according to the usual course of the law in Lower Canada.

Proviso: as to prescription.

Act not to affect rights of certain parties.

19. Nothing in this Act shall affect the rights of the Crown, nor of any Municipality or person who may have any claim against the Montreal and Bytown Railway Company or the shareholders thereof; nor shall the rights of any party having claims on the real estate whereon the railway is constructed be in any way prejudiced; nor shall the rights of or recourse against the parties interested in the said Sheriff's sale be affected by this Act.

Price at which Railway, &c., is to be assumed and purchased by Company to be determined by arbitration.

20. Either at the first meeting of the shareholders, to be called in the manner above directed, or at any special meeting of shareholders, those of the shareholders having no share or interest in the aforesaid purchase of the said Railway, lands and appurtenances, shall, by a separate resolution, name an arbitrator, and the said purchasers of the said Railway, lands and appurtenances shall name another arbitrator to determine the price at which the said Railway, lands and appurtenances shall be taken and assumed by the Company hereby formed, and the said arbitrators shall have the power in case of disagreement to name a third, which said arbitrators or a majority of them, in case of the nomination of a third, shall determine the said price and the terms of payment and other such matters in connexion therewith as the parties may agree to submit to them, and in the case of a failure of an award by reason of any one or more of the arbitrators failing or refusing to act, or from any other cause, the nominations may be repeated from time to time, until an award is had, and such award shall be final and conclusive, and obligatory upon the parties to the same extent as if they had made a voluntary deed to the same purport and extent, with full power and authority to do so, and on the same being registered in the Registry Office for the County of Argenteuil, or on the registration of any voluntary deed made in conformity therewith, or with such modifications and additions as the parties may agree to, the said Railway,

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Railway, lands and appurtenances shall be vested in and become the absolute property of the Company hereby formed, subject to the conditions imposed by such award and voluntary agreement, if any, and especially subject by privilege of *bailleur de fonds* to the payment of the price and other conditions imposed by the said award and voluntary agreement in preference to all others, save the obligations which may have been previously imposed thereon by the persons so interested in the said purchase; and nothing herein contained shall prevent the said parties from making a voluntary agreement for such acquisition without an award of arbitrators, which voluntary agreement, if so made, shall be binding according to its tenor and purport, and shall be subject to registration in the Registry Office for the County of Argenteuil.

Voluntary agreement may be made.

21. Nothing in this Act shall be construed to grant to the party or parties interested in the Sheriff's sale mentioned in the Preamble of this Act, any further or better title than they now have to the property sold by the same; and the rights of any party interested as a creditor of the Montreal and Bytown Railway Company, or as a shareholder in the said Company, who may have commenced or may within two years commence proceedings to set aside the said Sale or to enforce any claim, right or title to or on the property so sold, are hereby specially reserved.

Act not to give certain parties any better right than they had before, &c.

22. If at any time within three years after the passing of this Act the enterprise of the Montreal and Bytown Railway Company, as incorporated under the statute sixteenth Victoria, chapter one hundred and three, and the Acts amending the same, or any bondholder or creditor thereof, or any other enterprise to be hereafter incorporated by the Legislature, having in view the uniting of the Cities of Montreal and Ottawa by Railway communication, be resumed, then such Montreal and Bytown Railway or such bondholder or creditor thereof, or such other enterprise, shall have the power to take and acquire the whole of the Railway, rolling stock, land, buildings and appurtenances of the said Company incorporated under the present Act on repayment to the said Company of their outlay in, about and respecting the acquisition of the same, and in and about the completion and improvement thereof, together with legal interest thereon from the time of such outlay, and also together with twelve and a half per centum upon such outlay, deduction being first made on the net profits: and in case of dispute as to the amount of such outlay it shall be determined by an arbitration to be conducted as hereinbefore provided.

Montreal and By-town Railway Company, or the Government may purchase road within three years on certain conditions.

23. The Interpretation Act shall apply to this Act, and this Act shall be deemed a Public Act.

Public Act.

SCHEDULE

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SCHEDULE A.

Carillon and Grenville Railway Company, Number
£ Sterling (or Currency.)

This Debenture witnesseth that the Carillon and Grenville Railway Company, under the authority of the Provincial Statute, passed in the twenty-second year of Her Majesty's Reign, intituled, *An Act to incorporate the Carillon and Grenville Railway Company*, have received from , of , the sum of Currency (*or* Sterling,) as a loan, to bear interest from the date hereof at the rate of per centum per annum, payable half yearly, on the day of , and on the day of , which sum of Sterling (*or* Currency,) the said Company bind and oblige themselves to pay on the to the said , or to the bearer hereof, and to pay the interest thereon half-yearly as aforesaid on the production of the coupons therefor which now form part of the Debenture; and, for the due payment of the said sum of money and interest, the said Company, under the power given them by the said statute, do hereby mortgage and hypothecate the real estate and appurtenances hereinafter described, that is to say: all their Railway extending from its terminus near the steamboat wharf at Carillon, in the Seigniory of Argenteuil, to its terminus on the steamboat wharf, in the Township of Grenville, together with all and singular the stations, station houses, turnouts, sidings, and appurtenances, thereto belonging.

In testimony whereof,
President of the said Company, hath hereto set and affixed his signature, and the common seal of the said Company, at , this day of , one thousand eight hundred and .
Countersigned and entered.

President.

Secretary.

CAP. XCVII.

An Act to amend the Act incorporating the *North-West Transportation, Navigation and Railway Company*, and to change the name of the said Company to the "*North-West Transit Company.*"

[*Assented to 4th May*, 1859.]

Preamble. WHEREAS by an Act of the Parliament of this Province, passed in the twenty-second year of Her Majesty's
22 V. c. 122. Reign, chapter one hundred and twenty-two, the *North-West Transportation,*

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Transportation, Navigation and Railway Company was incorparated, for the purposes in the said Act expressed; And whereas a Company has been, or is about to be, formed in England, called or to be called "The North-West Transit Company, Limited," for the purpose of giving greater and more complete effect to the objects authorized by the said Act, and of extending the proposed operations into British Columbia and to the Pacific Ocean, and with a view to associate the shareholders of the said corporate body with the shareholders in the said Limited Company, so as to form but the one undertaking; And whereas it is desirable to accomplish the said object: Therefore, Her Majesty, by and with the advice and consent of the Legislative Council and Assembly of Canada, enacts as follows:

1. The Company formed under the recited Act may unite with any corporate body or with any Company formed or to be formed in England for the purposes aforesaid. **Company may unite with English Company.**

2. Such union shall be effected by an instrument in writing, under the seals of the respective Companies, and signed by the Presidents or chief officers of the respective Companies, of which a duplicate or attested copy shall be lodged with the Provincial Secretary of this Province, and notice of the fact given for four consecutive weeks in the *Canada Gazette*. **Instrument for effecting such union.** **Notice.**

3. The union of the Companies in the manner above mentioned, shall have the effect of conferring upon the associated Company, by such corporate name as may be given to it in the instrument of association, the powers now enjoyed by the North-West Transportation, Navigation and Railway Company. **Effect of such union.**

4. The said powers may be exercised throughout the extent of the jurisdiction of this Province, notwithstanding that the chief direction and control of the Associated Company may be vested in such members of the Board of Directors as shall meet from time to time in the City of London, or such other place in the United Kingdom as may be agreed upon, as aforesaid, at the union of the Companies. **As to exercise of powers.**

5. The election and number of Directors and the holding of General Meetings, may be regulated by the terms of the union, which terms shall have effect as soon as the duplicate or attested copy of the instrument in writing effecting the union of the Companies, has been lodged with the Secretary of this Province, and notified as aforesaid; Provided always that the Company shall have an office and established place of business in Canada. **Election of Directors, &c., may be regulated by the instrument effecting the union.**

6. The Associated Company, or in the event of no such union being effected, the present incorporated Company, shall have **Company may construct a Telegraph Line.**

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have power to construct a Telegraph Line from the westerly terminus of any existing Telegraph Line in Canada, to the westerly limit of the jurisdiction of this Province; Provided always that the Government may assume such telegraph line on the same terms as the other works of the Company.

Name of the present Company changed.

7. The corporate name of the said Company now called the *North-West Transportation, Navigation and Railway Company*, shall hereafter be the "*North-West Transit Company*," but such change of name shall not operate any change in the rights, obligations, powers, or privileges of the said Company.

Public Act.

8. This Act shall be deemed a Public Act.

CAP. XCVIII.

An Act to incorporate the People's Forwarding Company of Ottawa.

[*Assented to 4th May*, 1859.]

Preamble.

WHEREAS Robert Conroy, Joshua Smith, Walton Smith, John Supple, J. B. Lewis, George E. White, William Morris, Samuel Huntingdon, Allan Gilmour, Frederick Marett, Robert Lyon, Levi Young, S. H. Macpherson, C. O'Kelly, Anthony Friel, James Skead, George Bryson, D. Maclachlin, H. O. Burritt, Hugh Torney, Joseph Bell Forsyth, Alexander Fraser, E. McGillivray, James Walker and Samuel McDonnell, have petitioned the Legislature of this Province for an Act of Incorporation, as a Company for the purpose of Steam Navigation on the Ottawa River, above the city of Ottawa, and it is expedient to grant the prayer of the said petitioners, as hereinafter provided: Therefore, Her Majesty, by and with the advice and consent of the Legislative Council and Assembly of Canada, enacts as follows:

Company incorporated.

1. The said Robert Conroy, Joshua Smith, Walton Smith, John Supple, J. B. Lewis, George E. White, William Morris, Samuel Huntingdon, Allan Gilmour, Frederick Marett, Robert Lyon, Levi Young, S. H. Macpherson, C. O'Kelly, Anthony Friel, James Skead, George Bryson, D. Maclachlin, H. O. Burritt, Hugh Torney, Joseph Bell Forsyth, Alexander Fraser, E. McGillivray, James Walker and Samuel McDonnell, together with such person or persons as shall, under the provisions of this Act, become shareholders in such Company as is hereinafter mentioned, and their respective heirs, executors, curators and assigns, shall be a body politic and corporate by the name of the "People's Forwarding Company of Ottawa," with all and every the incidents and privileges belonging to Corporations by the Interpretation Act, or specially conferred by this Act.

Corporate name.

2.

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2. It shall be lawful for the Company to construct, acquire, charter, navigate and maintain steam and other vessels and boats for the carrying and conveyance of goods and passengers, and other traffic, on the River Ottawa and its tributaries above the City of Ottawa, and to carry on and transact all such business, and to do all such matters as may be incidental to the carrying out the object of the Company, or necessary or expedient in order to the more effectual or profitable prosecution thereof, with power to sell or dispose of the said vessels or any of them, or to mortgage the same, or any of them, or the goods of the Company, or any part thereof, when and as they may deem expedient, and to make contracts with any person or corporation whatsoever for the purpose aforesaid, for the benefit of the said Company, and also with full power and authority to such Company to construct in and along or over any land which they may acquire, a plank, macadamized, or gravelled road or roads wherever the same shall be necessary and required to be made in consequence of the obstruction of the navigation of the said River, and to be used by such Company in connection with the said steam vessels and other boats for the conveyance of such goods, passengers, and other traffic for the benefit of the said Company.

Purposes of the Company. Vessels. Roads.

3. It shall be lawful for the said Company to acquire, hold, rent, and enjoy such real property, lands, tenements, docks, wharves, and buildings, as shall be necessary or convenient for the purposes of the Company, and to sell, mortgage or dispose of the same when not wanted for the purpose of the Company, and others to acquire in their stead, provided the yearly rental thereof, at the time of the entry into possession thereof, shall not exceed in the whole six thousand dollars per annum.

What real property the Company may hold.

4. The capital stock of the Company shall, in the first instance, be not less than seventy-five thousand dollars, with power to increase the same from time to time, to a sum not exceeding two hundred thousand dollars, which capital stock shall be raised by the parties or persons above named, or some of them, together with such other persons as may become subscribers towards the said Stock, the said capital to be applied towards the purposes of the said Company, and the expenses for its establishment and incorporation, and for no other use or purpose whatsoever, and to be divided into shares of twenty dollars each; Provided always, that the said company shall have paid up the sum of fifty thousand dollars, before commencing their operations under this Act.

Capital and shares. Application. Proviso.

5. The payment of the said stock shall be made by calls on each shareholder for such sums and at such times as the Directors of the Company may determine, until the entire payment of the said stock; Provided that one month's notice shall be given of every call in such manner as the Directors shall appoint.

Calls on stock. Proviso.

6.

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Directors.

6. The business of the Company shall be conducted and its powers exercised by seven Directors, who shall be severally shareholders of four hundred dollars of the stock, and who shall in the first instance and until the first annual meeting in the year of our Lord one thousand eight hundred and sixty, be the said John Supple, Robert Conroy, James Skead, Walton Smith, George Bryson, Christopher O'Kelly and George E. White; All the Directors shall annually retire at the general annual meeting, but may be re-elected by the stockholders; Provided always, that in case of the death, removal, resignation, or other disqualification of any Director, at any time previous to the then next annual general meeting, the remaining Directors shall have power to fill the vacancy until the said next annual meeting, by appointing a qualified stockholder thereto.

First Directors.

Retirement of Directors.

Proviso.

Stock books, &c.

7. The said Directors or a majority of them shall have full power to open stock books, and make a call or calls on the shares subscribed in such books, and call a meeting of subscribers for the election of Directors, and generally for the transaction of the business of the Company.

Certificates of stock.

8. Certificates of stock shall be from time to time issued by the Directors to the stockholders, for the number of shares held or taken by each; and the rights and liabilities of a stockholder shall attach in respect of such shares immediately upon the subscription therefor in any stock book of the Company opened by the Directors.

Transfer of shares.

9. The said shares may not be assigned to any one without the approval of the Directors until such shares shall be paid in full, and no assignment shall be valid or binding upon the Company until an acknowledgment of the acceptance of the shares shall have been signed by the party accepting, and deposited with the Directors; and thereupon such party shall be held entitled to the rights and subject to the liabilities of a stockholder.

Recovery of calls and actions therefor.

10. It shall be lawful to the Directors either to enforce payment of calls or any unpaid part thereof by suit at law, with interest on the sum due from the time of the call, and costs, or to forfeit and sell the said shares or a sufficiency of them for the payment of the amount due, and interest; and in any such suit it shall be sufficient to allege the defendant to be the holder of one or more shares, as the case may be, and to be indebted to the Company in the amount in arrear thereon; and a certificate with the signatures of any five of the Directors that the defendant is a stockholder, and that the calls in arrear have been made and not paid shall be sufficient *primâ facie* evidence thereof, and of the amount due or unpaid.

Company need not see to

11. The Company shall not be bound to see to the execution of any trust, whether express, implied, or constructive, in respect of

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of any shares; and the receipt of the stockholder in whose name the shares shall stand in the book of registration of the Company, shall be a valid and binding discharge to the Company for any dividend or money payable in respect of such shares, and whether or not notice of such trust shall have been given to the Company, and the Company shall not be bound to see to the application of the money paid upon such receipt.

trust to which stock is subject.

12. The assignees of a bankrupt or insolvent stockholder, and the husband of a female stockholder, and the executor, administrator, tutor or curator of a stockholder, as the case may be, shall not, except as may be otherwise provided by the By-laws, be entitled to receive any of the profits of the Company, or to vote in respect of the shares transmitted by effect of the bankruptcy or insolvency, or of the death or marriage of any stockholder; but nevertheless, after production and deposit with the Directors of a declaration or other satisfactory evidence as may be required by them of such transmission, the shares so transmitted may thereupon be assigned by the representatives aforesaid, in the same manner and subject to the same regulations as are provided for any other transfer of shares.

Assignees, husbands, executors, holding stock.

13. On the third Monday in the month of January, in the year of our Lord one thousand eight hundred and sixty, the first annual meeting of the shareholders of the Company shall be held at such place as the Directors shall appoint, of which due notice shall be given, for the election of Directors, who shall be elected by ballot, and generally for the transaction of the business of the Company; And it shall be lawful for such meeting to be adjourned to any other time for such purpose; Provided always, that if the said annual meeting shall not take place on the day above mentioned, any two of the Directors for the time being shall call such annual meeting for any subsequent day, after public notice thereof of not less than fifteen days.

First general meeting.

Proviso.

14. Except in so far as herein otherwise provided, all matters and things to be determined at any general meeting of the Company, shall be determined by the majority of the votes of the shareholders, either in person or by proxy, present and assisting at such meeting, and in case of an equality of votes at such meeting, the chairman of such meeting shall have a casting vote, each share to represent a vote; Provided always, that no shareholder shall be entitled to vote in person or by proxy in respect of any share, the calls whereon have not been paid, until such call or calls have been paid, and that proxies shall only be held by stockholders; and at any meeting of Directors, four shall be a quorum, and in case of equality of votes the chairman shall have the casting vote.

Majority to decide.

Proviso: as to proxies.

Quorum of Directors.

15. Any number of stockholders, for themselves, or as proxies for others, representing not less than four thousand dollars of the said stock, may at any time require the Directors to

Special general meetings.

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call a special general meeting of the Company for the purposes set forth in their requisition to that effect, and for no others; and on the refusal or delay of the Directors so to do within three days after notice thereof left at the office of the Company, the said stockholders shall have authority to call such meeting, which shall have power to take the said matters into consideration, and transact and conclude the same, and no other, as fully to all intents as if the same had been so transacted and concluded at a regular meeting of the Company, called under the provisions hereof; Provided that no general or special meeting of the said Company shall be held until after advertisement thereof of at least ten days in one or more public newspapers published at Ottawa, and after a written notice thereof under the hands of one of the Directors, or of any officer of the Company appointed to such duty, sent by post to each stockholder or his representative holding his proxy, resident in this Province, one week at least previous to the meeting.

Proviso: notice required.

Proxies to be registered.

16. No proxy shall be counted as a vote in any matter or thing under this Act, until after and unless the appointment therefor shall have been duly registered in the book of registration of proxies of the Company twenty-four hours previous to the tendering of such vote.

Agents of the Company, and their powers.

17. The Directors may appoint agents, and for such time, and on such terms, and with such powers as to them shall seem expedient, and remove and discharge such agents as they may deem proper, and may by any By-law to be made for such purpose, empower and authorize such agents to do and perform any act or thing, or to exercise any powers, which the Directors themselves or any of them may lawfully do, perform and exercise, except the power of making By-laws; and all things done by any such agent by virtue of the powers in him vested by such By-law, shall be valid and effectual to all intents and purposes, as if done by such Directors themselves.

Power to explore the country.

18. The said Company shall have full power and authority to explore the ground or the country lying between the termini of any road, or supposed to be adapted for the site of any pier or piers, wharf or wharves, warehouse or warehouses, or of any other such work as aforesaid intended to be constructed by the said Company, and to designate and establish, take, appropriate, have and hold, to and for the use of them and their successors, the requisite land upon the line and within the limits of any such road, or for any such other work as aforesaid, according to the provisions hereinafter contained for acquiring the same, and to dig, take and carry away stone, gravel, sand, earth and other like material, from any adjoining or neighboring lands; and also to cut, make and keep in repair, upon such adjoining or neighboring lands, such ditches, drains and water-courses as may be necessary for effectually draining or carrying off the water from any such road or other work; and whenever any

And take certain lands, &c.

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any such road passes through or by any wood or standing timber, to cut down the trees and underwood for one hundred feet, English measure, on each side of the said road, making compensation therefor as hereinafter provided; And for the purposes aforesaid, the said Company and their agents, servants and workmen are hereby authorized and empowered to enter into and upon the lands and grounds of any person or persons, body or bodies corporate or politic, doing no unnecessary damage; Provided always that the said Company shall not have the power to lay out or construct any road without the consent by By-law of the County Municipality, through which the said road is intended to pass, being first had and obtained; And provided also that where any such pier or wharf is necessary for the navigation of the River, it shall not be lawful for the Company to take and appropriate the same without the consent of the Governor in Council previously had and obtained.

Proviso.

Proviso.

19. If the owner or owners, occupier or occupiers of any land, over, through or upon which the said Company may be desirous of constructing any such road or other work, or from which materials are to be taken, or upon which any power given by this Act to the Company is intended to be exercised, shall, upon demand made by the Directors of the said Company, neglect or refuse to agree upon the price or amount of damages to be paid for or for passing through or over such land, and appropriating the same to and for the uses of the said Company, or for the exercise of any such power as aforesaid, it shall and may be lawful for the said Company to name one arbitrator, and for the owner or occupier of such land so required, or with regard to which such power is intended to be exercised as aforesaid, to name another arbitrator, and for the said two arbitrators to name a third, to arbitrate upon, adjudge and determine the amount which the said Company shall pay, before taking possession of such land or exercising such power as aforesaid; and upon such sum being ascertained, it shall be lawful for the said Company to tender such sum to the said party claiming compensation, who shall thereupon be bound to execute a conveyance of such land to the Company, or other such document as may be requisite, and the said Company shall, after such tender, whether such conveyance or other document be executed or not, be fully authorized to enter upon and take possession of such land, to and for the uses of the said Company, and to hold the same, or to exercise such power as aforesaid, in such and the like manner as if the conveyance thereof or other document had been executed as aforesaid; Provided always, that if any such owner or occupier shall neglect to name an arbitrator for the space of twenty days after having been notified so to do by the Company, or if the said arbitrators do not, within the space of twenty days after the appointment of such second arbitrator, agree upon such third arbitrator, or if any one or more of the said arbitrators shall refuse or neglect, within the space of ten days after his or their

Arbitration if Company and proprietor cannot agree.

Proviso: if the owner, &c., neglects to name an arbitrator.

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their appointment, to take upon him or them the duties thereby imposed, then, upon the application of the said Company, or of the other party, it shall be lawful for the Judge of the County Court of the County within which the land lies to nominate any disinterested competent person or persons, from any Township adjoining the Township in which such land shall be situate, to act as an arbitrator for the person so neglecting to name an arbitrator as aforesaid, or to act in the place of such arbitrator or arbitrators so refusing or neglecting as aforesaid, and every arbitrator so appointed by the Judge of the County Court as aforesaid shall and he is hereby required to hear and determine the matter to be submitted to him with all convenient speed, after he shall have been so nominated as aforesaid; And any award made by a majority of the said arbitrators shall be as binding as if the three arbitrators had concurred in and made the same; Provided that no road or other such work as aforesaid shall be made so as to encroach upon any building, or to pass through or upon any pleasure ground, garden, yard or orchard, nor shall any materials be taken therefrom, nor shall any timber be taken from any enclosed land, without the consent of the owner; Provided also, that it shall not be competent for any owner or occupier of land through or along which such road is intended to pass, after a survey of such road is made, to erect any building, or to enclose any part of such surveyed land as a yard, or to plant fruit trees thereon so as to form an orchard, with a view to prevent such Company taking possession of such land.

Award of two to be binding.

Proviso.

Proviso.

Provision when lands are possessed by parties who cannot convey them.

20. Whenever any lands or grounds required by the Company for the purpose of any road or other such work, or with regard to which any such power is to be exercised as aforesaid, are held or owned by any person or persons, bodies politic, corporate or collegiate, whose residence may not be within this Province or may be unknown to the said Company, or where the titles to any such lands or grounds may be in dispute, or where such lands may be mortgaged, or when the owner or owners of such lands or grounds are unknown or unable to treat with the said Company for the sale thereof, or the exercise of any such power as aforesaid by the Company, or to appoint arbitrators as aforesaid, it shall and may be lawful for the said Company to nominate one indifferent person, and for the judge of the County Court where such lands are situate, on the application of the said Company, to nominate and appoint one other disinterested competent person, from any townships adjoining the townships in which such lands are situate, who, together with one other person to be chosen by the persons so named, before proceeding to arbitrate, or, in the event of their disagreeing as to the choice of such other person, to be appointed by any such Judge as aforesaid, before the others proceed to arbitrate, shall be arbitrators to award, determine, adjudge and order the respective sums of money which the said Company shall pay to the respective parties entitled to receive the

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the same, for the said lands or grounds, or damages as aforesaid, and the decision of a majority of such arbitrators shall be binding, which said amount so awarded the Company shall pay or cause to be paid in Lower Canada into the Superior Court, and in Upper Canada into the County Court of the County in which the lands lie, to be paid over to the several parties entitled to the same according to their rights and interests therein upon the order of a Judge of any such Court; And a record shall be made and signed by the said arbitrators, or a majority of them, specifying the amount awarded and the costs of such arbitration, which may be settled by such arbitrators, or a majority of them, which record shall be deposited in the Registry Office of the County in or along which such lands or grounds are situate, and such Company shall thereupon be fully authorized to enter upon and take possession of such lands to and for the uses of the said Company, and to proceed with the construction of their road or other work in, along or over the same; And the arbitrators shall specify in the award by which of the parties the said costs are to be paid; Provided that in any case of arbitration under this Act, if the Company shall, before the appointment of their arbitrator, have tendered a sum equal to or greater than that awarded by the arbitrators, the costs of arbitration shall be paid by the opposite party, and may be deducted by the Company from the amount of the award, on payment thereof to the party entitled to receive the same; And provided also, that all lands or grounds which shall hereafter be taken by any such Company, for the purpose of any road or other such work, and which shall have been purchased and paid for by any such Company, in the manner hereinbefore provided, shall become and thenceforward shall continue to be the property of such Company, free from all mortgages, incumbrances and other charges.

Proviso.

Proviso.

Proceedings for clearing off incumbrances in Lower Canada.

21. In every case where any lands or works in Lower Canada shall be required or purchased, or taken possession of under the provisions of this Act, and when the said Company purchases or takes possession of such lands or works, and shall have cause to believe that the occupier or person in possession of such lands or works is not the legal owner thereof, or that such lands or works are already mortgaged or hypothecated, such Company shall not pay the amount of such purchase money or of such award to the occupier thereof, but shall have the right to deposit in the hands of the Prothonotary of the District in which such lands or works shall be situate, the purchase money of such land or works, or the amount awarded therefor by arbitration, as provided by this Act, together with their deed of purchase or award, as the case may be, and shall and may proceed to obtain a ratification by the Superior Court sitting in such District of such deed of purchase or award, as the case may be, in the same manner as is now practised for the ratification of title deeds, and the real proprietor

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proprietor of such lands or works, and all others having claims in or upon the same, may intervene in such proceeding, and claim and obtain the purchase money or amount awarded for such lands or works, or their due share thereof, and such Court is hereby authorized to grant such ratification, and upon such ratification the said Company shall become and be the legal and indefeasible proprietor of such land or work, free and clear of all charges and incumbrances whatsoever, and the money so deposited shall stand in lieu of such land or work, and it shall be lawful for such Court to make such order as may seem meet for the protection of the parties entitled to the same, in case of substitution or where minor or interdicted parties are interested.

Interpretation.

22. The word "Townships," wherever it occurs in this Act, shall be construed to mean "Townships or Parish," and all powers by this Act conferred upon Judges of County Courts in Upper Canada, are hereby vested in the Judges of the Superior Court for Lower Canada.

Rights vested in Company not to be exercised as to lands in possession of another party for like purposes.

23. The said Company shall not be held entitled to exercise any of the rights or powers in the preceding five sections set forth, in respect of any land whatever which may be *bonâ fide* in occupation of any other party for purposes analogous to those for which the said Company might otherwise under this Act acquire the same; and none of the said rights and powers by the said sections conferred shall be exercised after the period of three years, from and after the passing of this Act.

Contracts, bills, notes, &c.

24. Every contract, agreement, engagement or bargain by or on behalf of the Company, and every promissory note made or endorsed, and every bill of exchange drawn, accepted or endorsed by or on behalf of the Company, or by any director, agent or servant thereof, in accordance with the powers devolved on him under the By-laws of the said Company shall be binding upon the Company; and in no case shall it be necessary to have the seal of the Company affixed to any document, contract, agreement, engagement, bargain, promissory note or bill of exchange, or otherwise, or to prove that the same was entered into, made or done in pursuance of the By-laws, nor shall the party entering into, making or doing the same as director, agent or servant, be thereby subjected individually to any liability whatsoever therefor; Provided always, that nothing in this section shall be construed to authorize the Company to issue any note payable to the bearer thereof, or any promissory note intended to be circulated as money or as the notes of a Bank.

Proviso: Company not to act as bankers.

Liability of Stockholders, limited.

25. The stockholders shall not as such be held liable for any claim, engagement, loss or payment, or for any injury, transaction, matter or thing relating to or connected with the Company, or the liabilities, acts or defaults of the Company, beyond the amount of their respective shares in the capital stock thereof.

26.

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26. The shares in the capital stock of the Company shall be deemed personal estate, and shall be transferable as such. **Shares to be personalty.**

27. Suits at law and in equity may be prosecuted and maintained between the said Company, and any stockholders thereof, and no stockholder of the Company not being in his private capacity a party to such suit, shall be incompetent as a witness in such suit. **Witnesses in cases where Company is a party.**

28. The Company shall keep a registry of their stockholders and transferees, and shall also annually prepare a list of their stockholders, and a statement of their assets and liabilities, and of all liens, charges and incumbrances on the property and stock of the Company, attested on the oath of two of the directors; a copy of which shall be laid before the Governor of this Province, whenever by him required. **Register of Stockholders.**

29. It shall be lawful for the Company at an annual meeting or special general meeting convened for the purpose, to make By-laws, rules and regulations for the conduct and management of the business affairs, real estate, vessels, stock, property and effects of the Company, and the same to amend, alter, repeal and re-enact as shall be deemed needful and proper; but a majority of the Directors shall be present therefor and assisting at the same, and the said By-laws, rules and regulations shall, among other things, particularly apply to and affect the following matters: **Company may make By-laws for certain purposes.**

1. Making calls and payment of the same; **Calls.**

2. Issues of certificates to the shareholders of their shares of stock, and the registration of the same, with the addresses of the said stockholders; **Certificates.**

3. Forfeiture or sale of shares or stock for non-payment of calls, such forfeiture not to be conclusive against the liable stockholder until the actual sale of the forfeited shares or the enforcement of the judgment for the payment of calls in arrear, as the case may be; **Forfeiture for non-payment of calls.**

4. Transfer of shares or stock, and approval and control thereof and of the transfer, by the Directors, and remedy against them by the Directors, with power to set off debts due to the Company by the stockholders against their shares or stock, and the dividends or payments arising therefrom; **Transfer of stock.**

5. Declaration and payment of profits and dividends in respect thereof; **Dividends.**

6. The formation and maintenance of a sinking or reserve fund; **Reserve Fund.**

7.

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Directors, servants, &c.

7. Removal and remuneration of Directors, appointment, removal and remuneration of all Agents, officers and servants deemed necessary for the business of the Company, together with the security and the amount thereof to be given by them for the performance of their respective duties;

Meetings.

8. Calling general and special or other meetings of the Company and of the Directors, the quorum and the business to be transacted at such meetings, and the mode of taking votes and regulating proxies of stockholders at such meetings;

Contracts, &c.

9. Making and entering into all contracts, bonds, bills, notes and other binding engagements with and to the Company, and whether by the Directors or the Agents of the Company, as may be deemed expedient;

Accounts.

10. Keeping regular accounts of the Company and correct minutes of proceedings of the Directors and stockholders, and rendering the same conclusive and binding on the stockholders;

Audit.

11. Audit of accounts and appointment of Auditors;

Proviso.

Provided the said By-laws, rules and regulations are not contrary to the present Act, nor to the laws of this Province.

Public Act.

30. This Act shall be deemed a Public Act.

CAP. XCIX.

An Act to incorporate the Union Forwarding and Railway Company.

[*Assented to 4th May*, 1859.]

Preamble.

WHEREAS Sir George Simpson, Knight, and William Cunningham, Henry Thomas, John G. Mackenzie, Thomas Workman, George H. Frothingham, John Smith, Joseph Tiffin, Joseph Aumond, A. Gilmour, John Hamilton, James Doyle, Daniel McLachlin, Daniel Hilliard, George E. Aird, Henry McKay, James Walker, H. F. Bronson and John Foran, Esquires, and others, have by Petition to the Legislature of this Province represented, that for the development of the Forwarding Trade for the conveyance of passengers and goods along the line of the River Ottawa, more especially above the City of Ottawa, and also upon the chief tributaries of the River Ottawa, above the City of Ottawa, it is highly desirable that a Company should be incorporated by Act of Parliament, with sufficient capital, and with all needful powers for the construction, ownership and maintenance of wharves and landing places at the several *portages* thereon, and for the making, holding, maintaining and working of such railroads and other land communications as may be requisite at such *portages*, and for

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for the holding and running of steam and other vessels, and the ownership of stores and other necessary property and buildings, and that they are desirous of being so incorporated by the name of the "Union Forwarding and Railway Company;" And whereas it is expedient to grant their prayer to that end: Therefore, Her Majesty, by and with the advice and consent of the Legislative Council and Assembly of Canada, enacts as follows:

1. The said George Simpson, William Cunningham, Henry Thomas, John G. Mackenzie, Thomas Workman, George H. Frothingham, John Smith, Joseph Tiffin, Joseph Aumond, A. Gilmour, John Hamilton, James Doyle, Daniel McLachlin, Daniel Hilliard, George E. Aird, Henry McKay, James Walker, H. F. Bronson and John Foran, together with all such other persons as shall, under the provisions of this Act, become shareholders in the Company hereinafter named, and their respective heirs, administrators, executors, curators and assigns, shall be, and they are hereby constituted a body politic and corporate, by the name of the "Union Forwarding and Railway Company." Company incorporated. Corporate name.

2. The Company may construct, acquire, hold and charter, and may maintain and navigate, on the River Ottawa and the tributaries thereof above the City of Ottawa, and also, as occasion may require, on the River Ottawa below the said city, and on the River St. Lawrence below its junction with the River Ottawa, any steam and other vessels, of any description, for the carriage or forwarding of passengers, goods and freight of all kinds, to, from and between any places on or near the River Ottawa and its tributaries above the City of Ottawa, and the City of Ottawa, and the Cities of Montreal and Quebec respectively, and any intermediate places; and, as occasion shall require, may sell, mortgage, or otherwise dispose of any such steam or other vessels, or any other property or effects of the Company, and may carry and forward such passengers, goods and freight, on such terms as the Company may deem advisable, to, from and between any such places; and may tow and make voyages with such steam and other vessels upon the River Ottawa and its tributaries, and upon the River St. Lawrence within the limits aforesaid, when and on such terms as the Company may deem advisable, and generally may carry on and transact all such business, and do all such matters and things as may be incidental to the carrying out of the objects of the Company, or necessary or expedient to the effectual or profitable prosecution thereof; and may enter into any contract or arrangement with any bodies politic or corporate, or persons whomsoever, for the joint or better execution of any such objects, for the benefit of the Company. Company may hold and employ steamers, &c. And carry on the forwarding business on certain waters.

3. The Company may construct and maintain as their own, on any land which they may acquire, any railways and plank, macadamized, May construct Railways and other roads.

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macadamized, gravelled, and other roads, at and near any *portages* on the River Ottawa and the tributaries thereof above the City of Ottawa, wherever the same may require to be made in consequence of any obstruction of the navigation, and to be used by the Company in connection with their said steam and other vessels; and may acquire, take and hold any real estate required to that end, and all such wharves, docks, stores, warehouses, offices and other real estate whatsoever, as they may find necessary or convenient for the purposes of their traffic, but not for any other purpose; and may sell, hypothecate, lease and dispose of any such real estate whatsoever, and may acquire other instead thereof; Provided always, that the yearly rental or value of such real estate, when acquired, shall not exceed six thousand dollars in the whole.

And hold real estate for that purpose.

Proviso.

Capital and shares.

4. The Capital Stock of the Company shall be two hundred and fifty thousand dollars, divided into five thousand shares of fifty dollars each; and shall be applied wholly to the purposes of the Company, and to no other use whatsoever; but the Company may commence their operations under this Act so soon as sixty-two thousand five hundred dollars of such capital stock shall have been subscribed and paid in; and the payment of the said stock shall be made by calls on each shareholder, for such sums and at such times as the Board of Directors of the Company shall determine; Provided always, that at least one month's notice be given of every such call.

When they may commence business.

Calls.

Proviso.

Provisional Directors, named.

5. The affairs of the Company shall be administered and its powers exercised until the first General Meeting thereof, by a Provisional Board of Directors, to consist of the said Henry Thomas, Joseph Aumond, John Foran and James Doyle,—and thereafter by a Board of eight Directors, to be elected at such meeting, being severally shareholders to the amount of one thousand dollars or more in the capital stock of the Company; and two of such Directors, in rotation, shall thenceforward retire annually from such Board, but may always be re-elected; and four members of such Board, until otherwise provided by by-law, shall form the quorum thereof; and in case of the death, resignation, removal, or other disqualification of any Director, such Board may fill the vacancy until the next annual general meeting of the Company, by appointing any qualified shareholder thereto.

Elective Directors after first general meeting.

Quorum.

Vacancies.

Powers of Provisional Directors.

6. The said Provisional Board of Directors shall have full power to open stock-books, assign stock to parties subscribing, make calls on stock, and grant certificates and receipts therefor, to make provisional by-laws on any matters admitting of regulation under this Act by by-law, such provisional by-laws to have force until the first general meeting of the Company, to convene such first general meeting, and to do all other things whatsoever necessary or expedient in order to the organization of the Company and the conduct of its affairs until the election of the Board of Directors thereof.

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7. The first general meeting of the Company shall be held at the City of Ottawa, at such time within six months at furthest after the requisite amount of stock shall have been raised, and at such place as the said Provisional Board of Directors shall appoint, and after at least one month's due notice given thereof; and annual general meetings of the Company shall thereafter be held at such time and place, and after such notice to be given thereof, as by the by-laws of the Company shall from time to time be ordained.

First general meeting.

Notice.

Annual meetings.

8. If at any time an election of Directors be not made or do not take effect at the proper time as appointed under this Act, the Corporation hereby constituted shall not be taken to be thereby dissolved, but it shall be lawful at any subsequent time to make such election, at a general meeting of the shareholders to be duly called by the Board of Directors for that purpose; and the term of office of any retiring Director of the Company shall not be deemed to have expired until his successor shall have been elected.

Provision in case of failure of election of Directors.

9. The Board of Directors of the Company may make or cause to be made on behalf of the Company any description of contract whatsoever which the Company may by law enter into, and in all things to administer the affairs of the Company; and may from time to time make By-laws not contrary to this Act nor to law, to regulate the making of calls on stock,—the payment thereof,—the issue and registration of certificates of stock,—the forfeiture of stock for non-payment,—the disposal of forfeited stock and of the proceeds thereof,—the transfer of stock,—the declaration and payment of dividends,—the formation and maintenance of a reserve fund,—the appointment, functions and removal of all agents, officers and servants of the Company,—the security to be given by any of them to the Company,—their remuneration and that (if any) of the Directors,—the calling of meetings, general and special, of the Board of Directors and of the Company,—the quorum, mode of voting (by proxy or otherwise) and procedure generally at such meetings,—the imposition and recovery of all penalties and forfeitures admitting in anywise of regulation by by-law, and the conduct in all other particulars of the affairs of the Company; and may from time to time repeal, amend or re-enact the same; and every such by-law, and every repeal, amendment or re-enactment thereof, unless in the meantime confirmed at a Special General Meeting of the Company duly called to that end, shall only have force until the then next annual general meeting of the Company, and shall require to be confirmed thereat; and any copy of any By-law under the Seal of the Company, and purporting to be signed by any officer of the Company, shall be received as *primâ facie* evidence of such By-law, in all courts in this Province.

Powers of Directors.

By-laws for certain purposes.

Duration of By-laws.

Evidence thereof.

10. The shares in the Capital stock of the Company shall be deemed personal estate, and shall be transferable as such, but

Shares to be personalty:

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How transferable.

but in such manner only and subject to all such restrictions as by any By-law of the Company may be prescribed; and no shares shall be transferable, unless with the express consent of the Board of Directors, until fully paid up.

Company not bound to see to trust to which shares are subject.

11. The Company shall not be bound to see to the execution of any trust, whether express, implied or constructive, in respect of any shares; and the receipt of the shareholder in whose name the same shall stand in the books of the Company, shall be a valid and binding discharge to the Company for any dividend or money payable in respect of such shares, and whether or not notice of such trust shall have been given to the Company; and the Company shall not be bound to see to the application of the money paid upon such receipt.

Corporations may hold stock.

12. Any Joint Stock Company, community, or body corporate may take shares in the Company.

Enforcing payment of calls.

Suits for the same.

13. It shall be lawful for the Company, either by suit, to enforce payment of any calls or of any unpaid part thereof, with interest on the sum due from the time of the call, and costs, or to forfeit and sell the shares whereon the same may be due, or a sufficiency of them, for the payment of the amount due, with interest; and in any such suit it shall be sufficient to allege the defendant to be the holder of one or more shares, as the case may be, and to be indebted to the Company in the amount in arrear thereon; and a certificate under their seal, and purporting to be signed by any officer of the Company, to the effect that the defendant is a stockholder, and that the calls in question have been made and that the amount claimed thereon is due and unpaid, shall be received as *primâ facie* evidence to that effect.

Liability of Shareholders limited.

14. The shareholders of the Company shall not as such be held responsible for any act, default or liability whatsoever of the Company, or for any engagement, claim, payment, loss, injury, transaction, matter or thing whatsoever, relating to or connected with the Company, beyond the amount of their respective shares in the capital stock thereof.

Contracts, bills, notes, &c., of the Company.

15. Every contract, agreement, engagement or bargain made, and every bill of exchange drawn, accepted or endorsed in the name, and every promissory note and cheque made, drawn or endorsed, on behalf of the Company, by any agent, officer or servant of the Company, in general accordance with his powers as such under the by-laws of the Company, shall be binding upon the Company; and in no case shall it be necessary to have the seal of the Company affixed to any such contract, agreement, engagement, bargain, bill of exchange, promissory note or cheque, or to prove that the same was made, drawn, accepted or endorsed, as the case may be, in pursuance of any by-law or special vote or order; nor shall the

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the party so acting as agent, officer or servant of the Company, be thereby subjected individually to any liability whatsoever to any third party therefor; Provided always, that nothing in this section shall be construed to authorize the Company to issue any note payable to the bearer thereof, or any promissory note intended to be circulated as money or as the note of a Bank.

Proviso: Against Banking.

16. Any suit at law or in equity may be prosecuted and maintained between the Company and any shareholders thereof, and no shareholder, not being himself a party to such suit, shall be incompetent as a witness therein.

Shareholders may be witnesses, &c.

17. It shall be lawful for the Governor in Council, upon the report of the Commissioner of Crown Lands, to authorize the Company to enter upon any ungranted lands of the Crown, on which it may be deemed requisite or desirable that any work, such as the Company is authorized to construct, should be constructed, and to sell or grant to the Company any such lands; Provided always, that the Company shall first lay before the Commissioner of Crown Lands detailed plans of any works so contemplated, to be submitted by the said Commissioner, with his report, for the information and approval of the Governor in Council, and shall not deviate from such plans without being thereunto authorized by the Governor in Council.

Company may occupy lands of the Crown by consent of Governor in Council.

18. The Company may, if it be found necessary for the construction of any work or for any purpose contemplated by this Act, cut timber and procure stone, fuel and other materials from any unsold lands of the Crown lying beyond the limits of any land acquired by the Company as hereinbefore provided, on such terms and under such regulations as may be made by the Governor in Council, upon the like report of the Commissioner of Crown Lands.

May get materials with like permission.

19. The Company may explore the ground lying between the termini of any railway or other road, or which may be supposed to be adapted for the site of any such works or buildings as the Company is hereby authorized to undertake; and may designate, take and hold, the requisite land upon the line and within the limits of any such railway or other road, or for any such other work, according to the provisions hereinafter contained, and may take and carry away stone, gravel, sand, earth and other like materials, from any adjoining or neighbouring lands, and also may cut, make and keep in repair, upon such adjoining or neighbouring lands, such ditches, drains and water courses as may be necessary for effectually draining or carrying off the water from any such railway, road or other work; and whenever any such railway or other road passes through or by any wood or standing timber, the Company may cut down the trees and underwood for one hundred feet english measure on each side of the same, making

Company may explore the country.

And take lands requisite for their works, &c.

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making compensation therefor as hereinafter provided; And for the purposes aforesaid, the Company and their agents, servants and workmen may enter into and upon the lands of any person, doing no unnecessary damage.

Compensation to be settled by arbitration if the Company and the owner cannot agree.

20. If the owner or occupier of any land, through or upon which the Company desire to construct any such railway, road or other work, or from which they desire to take materials, or upon which they intend to exercise any power given to them by this Act, neglects or refuses, upon demand made by the Company, to agree with them upon the price or amount of damages to be paid for, or for passing through or upon such land, and appropriating the same to the use of the Company, or for materials taken, or for the exercise of any such power as aforesaid, the Company may name one arbitrator, and the owner or occupier of such land may name another, and the said two arbitrators may name a third, and the said three arbitrators shall determine the amount which the Company shall pay to such owner or occupier before taking possession of such land, or taking materials therefrom or exercising such power as aforesaid, and also the amount which either party or both shall pay for the costs of the arbitration; and if any such owner or occupier neglects to name an arbitrator for the space of twenty days after having been required so to do by the Company, or if the said two arbitrators do not, within the space of twenty days after their appointment, name such third arbitrator, or if any one or more of the arbitrators appointed as herein provided, refuses or neglects within the space of ten days after his or their appointment, to take upon him or them the duties thereby imposed, then, upon the application of the Company, or of such owner or occupier, it shall be lawful for the Judge of the County Court of the County within which the land lies, if it be in Upper Canada, and for any Judge of the Superior Court for Lower Canada, if the land be in Lower Canada, to nominate any disinterested competent person from any Township or Local Municipality adjoining that in which such land lies, to act as an arbitrator for the person so neglecting to name an arbitrator as aforesaid, or to act in the place of the arbitrator so refusing or neglecting as aforesaid; And any award made by a majority of the said arbitrators shall be as binding as if the three arbitrators had concurred in and made the same; and upon the amount of the compensation to be paid being so ascertained, the Company may tender the same, with any sum due for costs, or less any such sum as the terms of award may require, to the owner or occupier, who shall thereupon be bound to execute a conveyance of such land to the Company, or such other document as may be requisite; And the Company may, after such tender, and whether such conveyance or other document be executed or not, enter upon and take possession of such land for the use of the Company, and hold the same, or exercise such power as aforesaid, in like manner as if the conveyance thereof

Award of two to be binding.

On payment Company may take possession.

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thereof or other document had been executed; but no such railway, road or other work shall encroach upon any building, or pass through or upon any pleasure ground, garden, yard or orchard, nor shall any timber or other materials be taken from any enclosed land, without the consent of the owner; and the owner or occupier of any land so required for any such railway, road or other work, after survey made, shall not, by erecting any building, or enclosing any part of such surveyed land as a pleasure ground, garden or yard, or by planting fruit trees, or forming an orchard thereon, prevent the Company from taking possession of such land.

Proviso: certain property not to be taken.

21. In case any land required by the Company for the purpose of any such railway, road or other work, or with regard to which any such power is to be exercised as aforesaid, is held or owned by any person or body politic, whose residence is not within this province or is unknown, or in case the title to any such land be in dispute, or in case the owner of such land be unknown or unable to treat with the Company for the sale thereof or for the exercise of any such power by the Company, or to appoint an arbitrator as aforesaid, the Company may name one disinterested competent person, and the Judge of the County Court of the County within which such land lies, if it be in Uppper Canada, and any Judge of the Superior Court for Lower Canada, if the land be in Lower Canada, on the application of the Company, may name another such person, from any Township or Local Municipality adjoining that in which such land lies, which persons, together with one other such person to be chosen by them, before proceeding to arbitrate, or, (in the event of their disagreeing as to the choice of such other person) to be chosen by such Judge, shall be arbitrators to determine what amount the Company shall pay for such land or for damages, and what amount either party or both shall pay for the costs of the arbitration, and the decision of a majority of such arbitrators shall be binding; and a record shall be made and signed by the said arbitrators, or a majority of them, specifying the amounts so awarded, which record shall be deposited in the Registry Office of the County in which such land lies, and the Company, after having first paid into the Superior Court in Lower Canada, if the land be in Lower Canada, or into the County Court of the County in Upper Canada in which the land lies, the amounts so awarded to be paid to the parties entitled thereto on the order of a Judge of any such Court, may thereupon enter upon and take possession of such land for the use of the Company, and hold the same, or exercise such power as aforesaid.

Provision as to lands of absentees or persons who have not the absolute title, &c.

Arbitration.

22. In any case of arbitration under this Act, if the Company, before the appointment of their arbitrator, tendered a sum equal to or greater than that awarded by the arbitrators, the costs of arbitration shall be paid by the opposite party.

Costs of arbitration.

23.

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Powers of the Company not to be exercised in certain cases, not after a certain time.

23. The Company shall not be held entitled to exercise any of the rights or powers in the preceding six sections set forth, in respect of any land whatever which may be *bonâ fide* in occupation of any other party, for any such use as that for which the Company might otherwise under this Act acquire the same, nor yet after the expiration of three years from the time of the passing of this Act; nor shall they lay out and construct any new railway or other road without the previous consent, by By-law, of the County Council of the County within which the same may be; nor shall they take any land for the site of any new pier or wharf without the previous sanction of the Governor in Council.

Land taken in U. C. to be free from incumbrances.

24. And all land in Upper Canada so taken, purchased and paid for by the Company, as hereinbefore is provided, shall thereupon become the property of the Company, for such use as aforesaid, free from all mortgages, incumbrances and other charges.

Provision for freeing land in L. C. from incumbrances.

25. In every case where any land in Lower Canada is by the Company so acquired (whether by voluntary purchase or otherwise) or taken possession of as hereinbefore is provided, if the Company have reason to fear any claim, hypothec or incumbrance, or if any party to be paid or compensated therefor refuses to execute the proper conveyance and guarantee, or cannot be found, or is unknown to the Company, or if for any other cause the Company deem it advisable, the Company may pay such price or compensation (including any costs awarded if the case be one of award) into the hands of the Prothonotary of the Superior Court for the District in which the land is situate, with interest thereon for six months, and may deliver to such Prothonotary an authentic copy of the conveyance or of the award, as the case may be, forming the title of the Company; and proceeding shall thereupon be had for the confirmation of such title, in like manner as in other cases of confirmation of title, except that, in addition to the usual contents of the notice, the Prothonotary shall state that the title of the Company (that is, the conveyance or award, as may be) is under this Act, and shall call upon all persons entitled to such land or any part thereof, or representing or being the husband of any party so entitled, or having any other description of claim whatever, to file their claims to such price or compensation, or any part thereof; and all such claims shall be received and adjudged upon by the Court; and such judgment shall for ever bar all claims to the land, or any part thereof, (including dower not yet open), as well as all hypothecs and incumbrances whatsoever thereon; and the Court may make such order as to the distribution, payment or investment of such price or compensation, and otherwise for securing the rights of all parties whomsoever, as to right and justice may appertain.

Public Act.

26. This Act shall be deemed a Public Act.

CAP.

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CAP. C.

An Act to incorporate the Transmundane Telegraph Company.

[*Assented to 4th May*, 1859.]

Preamble.

WHEREAS it is desirable that a line of telegraphic communication should be established from this Province westward by way of the Aleutian Islands or Behring's Straits through Northern Asia to Europe, with branches extending to the great centres of commerce in the East Indies, Australia, China and Japan; and whereas Sir George Simpson, the Honorable Lewis T. Drummond, the Honorable John Young, and the Honorable Luther H. Holton have presented a petition praying to be incorporated for the purpose of constructing the first link in the said line: Therefore, Her Majesty, by and with the advice and consent of the Legislative Council and Asssembly of Canada, enacts as follows:

Certain persons incorporated.

Corporate name and powers.

1. The said Sir George Simpson, the Honorable Lewis T. Drummond, the Honorable John Ross, the Honorable John Young, the Honorable Antoine Aimé Dorion, the Honorable Luther H. Holton and Perry McD. Collins, Esquire, together with all such persons as shall become stockholders of the Company hereinafter mentioned, shall be and are hereby constituted a body corporate and politic under the name of the "Transmundane Telegraph Company," and as such shall have perpetual succession, may have a common seal and change the same at their pleasure, may contract or be contracted with, may sue or be sued, may acquire, sell or otherwise dispose of any property, real, personal or mixed, and shall hold, possess and enjoy all the powers and privileges common to all corporate bodies.

Company may construct a Telegraph Line across the Continent of North America.

2. The said Company shall have full power and authority to construct, maintain and keep up an Electric Telegraph Line from the westernmost station of electric telegraph communication established in this Province, at the time when the said Company shall commence its operations, or from any point of connection with any Electric Telegraph then established in any one of the United States of America, or from both points, to the western limits of this Province, and thence (with the permission of the Hudson's Bay Company or the Government of Great Britain, or the Government of British Columbia) by way of the principal settlement at or near the mouth of Fraser River along the coast of the Pacific Ocean to the Russian Possessions in North America, together with such lateral lines or branches as the said Company may deem it advantageous to construct, provided that the course or direction of the line to be constructed within this Province be approved by the Governor in Council.

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Power to purchase or lease other lines, and to amalgamate with other Companies.

3. The said Company shall also have power and authority to purchase or lease for any term of years any telegraphic line established or to be established either in this Province or in the Territory of the Hudson's Bay Company or in any other British possession, or in the territory or territories of any foreign Power or State, connecting or hereafter to be connected with the said line which the said Company is so authorized to construct, or to purchase or lease for any term of years the right of any Company to construct any such telegraph line, and shall also have power and authority to amalgamate with any Company, Board or persons possessing as proprietors any line of telegraphic communication connecting or to be connected with the said Company's line, either in this Province, in the possessions of the Hudson's Bay Company, in any other British Colony, or in the territory of any other foreign State or power, whether on the continent of America or in any other part of the world.

May accept grants of land, &c.

4. The said Company shall also have power and authority to accept from the Government of this Province, from the Imperial Government of Great Britain, or from any foreign Power, State or Government, or from the Government of British Columbia, or from any corporate body, either separately or conjointly with any company, board or individuals amalgamated with them as aforesaid, any guarantee or grant of lands or money in aid of their said undertaking.

Aliens may hold stock, and vote.

5. Aliens shall have equal rights with British subjects to take stock, to vote, and to be eligible to office in the said Company; and no shareholder shall be liable beyond the extent of the stock subscribed by him for any debt contracted by the Company.

Provisional Directors appointed.

6. The seven persons named in the first section of this Act are hereby constituted a Provisional Board of Directors of the said Company, and shall hold office as such until other Directors be elected by the shareholders, in the manner hereinafter provided; and in the event of any one or more of the said Provisional Directors dying before the election of other Directors, the survivors shall constitute the said Provisional Board, and four members thereof shall form a quorum.

Powers of Provisional Directors.

7. The said Provisional Directors shall have power and authority at any time after the passing of this Act, to open Stock Books and to procure subscriptions for the undertaking, to make calls upon the subscribers, to cause surveys and plans to be executed, to procure Charters or Acts of Incorporation from the Imperial Government of Great Britain, from any Colonial Government or from any Foreign State, Power or Legislature, which may be required for the continuation of the said Telegraph Line or its branches beyond the limits of this Province, and also to enter into any covenants, treaties or stipulations with

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with the said Government of Great Britain, or with the Government of British Columbia, or with any Foreign Power or State, having for object to secure co-operation, guarantee or other aid to and for the said undertaking; and it shall be the duty of the said Provisional Directors to give notice in the *Canada Gazette* of the opening of the said Stock Books and of the places where the same shall have been deposited.

Capital and shares.

8. The capital of the said Company shall be two millions of dollars, in shares of one hundred dollars, with power to increase the same (by a By-law to be passed at a special meeting of the Directors convened for that purpose), to a sum not exceeding four millions of dollars, if the said sum of two millions of dollars should be found insufficient, subject to the approval of a majority of the shareholders present or represented by proxy at a meeting specially convened for that purpose.

Increase of capital.

First general meeting of Shareholders.

9. So soon as ten per centum of the said capital stock shall have been subscribed, and two per centum paid up, the said provisional directors, or a majority of them, may call a meeting of shareholders, either at the City of Montreal, in Canada, at the City of London, in England, at the City of Paris, in France, or at the City of New York, in the State of New York, as the said provisional directors may determine, and at such time as they may think proper, giving at least three months' notice in the *Canada Gazette* and in one or more newspapers published in Montreal, in London, in England, and in the chief city of every foreign state wherein any of the shareholders of the said Company may reside; and at the said general meeting and all other general meetings hereinafter mentioned, the shareholders present either personally or by proxy, shall elect nine persons to form and constitute a Central Board of Directors of the said Company.

Scale of votes.

10. Every shareholder shall be entitled to give one vote at every such meeting for every share he shall hold in the stock of the said Company not exceeding forty, and one vote for every ten shares over forty; and no person shall be eligible as a director who at the time of such election shall hold less than ten shares in the said Company, and who shal not have paid up all the calls due on all the shares subscribed for by him.

Triennial general meetings.

11. On the first Monday of the month of June, in every third year after the first general meeting, there shall be held a general triennial meeting for the election of directors at any one of the Cities named in the ninth section which may be appointed for that purpose by the Directors, and previous notice of every such meeting shall be given in the manner provided in the said ninth section; And at every such general meeting the Directors in office, or any of them, may be re-elected.

Election of Directors.

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President and officers.

Quorum.

Majority.

Casting vote.

12. So soon as convenient after every such election, the Directors shall proceed to appoint a President, a Secretary and a Treasurer, and such other officers as may be required for the management of the affairs of the Company; five of the said Directors shall form a quorum; in the absence of the President, the Directors present, or a majority of them, shall elect a Chairman; all questions shall be decided by a majority of votes, and upon every equal division, the President or the Chairman for the time being shall give his casting vote in addition to the vote previously given by him as one of the Directors.

Local Boards of Directors.

13. The Directors may from time to time appoint Local Boards of Directors in any one or more of the above named cities, or in any other city or place, either in British territory or in the territory of any foreign Power or State; Provided that if the Central Board be not established at Montreal, a Local Board shall be appointed at that City.

The number of Local Directors and their term of office.

14. Every such Local Board of Directors shall consist of seven persons, qualified in like manner as persons eligible as Directors of the Central Board, and shall remain in office for such period of time, not less than one and not exceeding three years, as the said Central Board shall determine.

In case of their death or resignation.

15. Whenever any one or more of any such Directors, whether of the Central or of any Local Board die or resign, the remaining Directors shall appoint a Director or Directors in lieu of the person or persons so dying or resigning.

By-laws, how made, &c.

16. The said Central Board of Directors may from time to time make, alter, amend or repeal such Regulations and By-laws as may be necessary for the management of the affairs of the Company generally; And each Local Board may also, from time to time make, alter, amend or repeal such Regulations and By-laws as may be requisite for the management of the part of the undertaking under its immediate control, provided the same be not inconsistent with any Regulations or By-laws made by the Central Board.

Powers of Company for the construction of their line of Telegraph.

17. The said Company, their deputies, servants, agents and workmen are hereby authorized and empowered to enter into and upon the lands, grounds and premises of any person or persons, bodies politic, corporate or collegiate, or communities whatsoever, and survey and take levels of the same or any part thereof, and to set out and ascertain such parts thereof as they shall think necessary and proper for making the said intended Telegraph, and all such other works, matters and conveniences as they shall think proper and necessary for making, effecting, preserving, improving, completing, maintaining and using the said intended Telegraph and other works, and also to bore, dig, cut, trench, get, remove, take, carry away, and lay earth, clay, stone, soil, rubbish, trees, roots of trees, beds of gravel or sand, or

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or any other matters or things which may be dug or got in making the said intended Telegraph or other works, on or out of the lands adjoining or lying convenient thereto, and which may be proper, requisite or necessary for making or repairing the said intended Telegraph or works incident or relative thereto, or which may hinder, prevent or obstruct the making, using or completing, extending or maintaining the same respectively, according to the intent and purpose of this Act, and to build, erect and set up, in or upon such lands, such and so many station-houses and observatories, watch-houses and other works, ways, roads and conveniences, as and where the said Company shall think requisite and convenient for the purposes of the said Telegraph; And also from time to time to alter, repair, divert, enlarge and extend the same, and to construct, erect and keep in repair any bridges, arches and other works upon or across any rivers or brooks for the making, using, maintaining and repairing the said intended Telegraph; And to construct, erect, make and do all other matters and things which they shall think convenient and necessary for the making, effecting, extending, preserving, improving, completing, and easy using of the said intended Telegraph and other works, in pursuance of and according to the true intent and meaning of this Act, they, the said Company, doing as little damage as may be, in the execution of the several powers to them hereby granted, and making satisfaction, whenever required so to do, to the owners or proprietors of or the persons interested in the lands, tenements, or hereditaments, water, water-courses, brooks or rivers respectively, which shall be taken, used, removed or prejudiced, or for all damages to be by them sustained in or by the execution of all or any of the powers of this Act: And whensoever and wheresoever the said Telegraph do or shall pass through any wood, the trees and underwood may be cut down for the space of fifty feet on each side of the said Telegraph upon which such trees and underwood may be.

Company to do as little damage as possible to property, &c.

18. The said Company shall have full power and authority to set up posts for supporting the wires of the said Telegraph in and upon any public road, street or highway, and to make the necessary excavations in the same for placing such posts or poles, or for carrying the said wires under the surface; and such posts, and wires and other apparatus therewith connected shall be the property of the said Company, as shall also all such posts or poles or apparatus as shall be set up or carried under the surface of the ground by the said Company for the purposes aforesaid, although the lands on which the same are set up or carried under the surface be not the property of the said Company.

Further powers in construction of Telegraph.

19. It shall be the duty of the Company to transmit all despatches in the order in which they are received, under a penalty of not less than five nor exceeding twenty-five pounds, to be recovered with costs of suit, by the person or persons whose

Order of transmission of messages.

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Payment for transmission.

whose despatch is postponed out of its order; and the said Company shall have full power to charge for the transmission of such despatches, and to receive, collect and recover such rates of payment as shall be from time to time fixed by the By-laws of the Company.

Telegraph always open to messages of the Government.

20. All lines of telegraph constructed or worked by the Company shall at all reasonable times be open for the transmission of intelligence for Her Majesty; and the Company shall receive, transmit and deliver all such messages and signals as shall from time to time be tendered for transmission for Her Majesty, or on Her Majesty's service.

Government messages to have the preference.

21. All messages and signals sent or forwarded for transmission and delivery for Her Majesty, or on Her Majesty's service, shall have priority over all other messages whatsoever, and it shall be imperative on the Company, their officers and servants, to transmit and deliver such messages and signals accordingly, and to suspend the transmission of all or any other messages until the said messages and signals shall first have been transmitted; and as between themselves such other messages and signals shall have no right of priority, but shall be transmitted and delivered in the order in which they may be respectively tendered for transmission, or respectively arrive for delivery; Provided that in case of war the said Company shall be subjected, as to the transmission of all messages and signals, to such orders as may from time to time be made by the Governor in Council.

No priority among other messages.

Proviso.

Company to go into operation within a certain period.

22. Unless the Company shall go into *bonâ fide* operation, with a paid up Capital of not less than two hundred thousand dollars, within five years after the passing of this Act, this Act and all the powers herein contained shall be null and void; And nothing in this Act contained shall be construed to give any exclusive rights to the said Company.

Penalty for divulging private despatches.

23. Any operator of the said Telegraph Line, or person employed by the said Telegraph Company, divulging the contents of a private despatch, shall be deemed guilty of a misdemeanor, and on conviction shall be liable to a fine not exceeding twenty-five pounds, or to imprisonment for a period not exceeding three months, or both, in the discretion of the Court before which the conviction shall be had.

Penalty for injury, &c., to Line.

24. Any person who shall wilfully and maliciously injure, molest or destroy any of the said lines, posts, piers or abutments, or the material or property belonging thereto, or in any way disturb the working of the said line of Telegraph, shall, on conviction thereof, be deemed guilty of misdemeanor, and be punished by a fine not exceeding ten pounds, or imprisonment not exceeding one month, or both, at the discretion of the Court before which the conviction shall be had.

Private Act.

25. This Act shall be deemed a Public Act.

CAP.

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CAP. CI.

An Act to incorporate the Canadian and British Telegraph Company.

[*Assented to 4th May*, 1859.]

WHEREAS The Honorable John Young hath, by his petition, prayed that a Charter be granted to him and his associates, hereinafter mentioned, for the purpose of establishing telegraphic communication between the Continents of Europe and North America; And whereas it is deemed expedient to grant the prayer of the said petitioner: Therefore, Her Majesty, by and with the advice and consent of the Legislative Council and Assembly of Canada, enacts as follows:

Preamble.

1. The said Honorable John Young, the Honorable Luther H. Holton, Theodore Hart, Thomas Cramp, Robert James, Roy Campbell, James Wyld, Thomas Page, Josiah Patrick Wise, John Yates, and their associates, and all other persons who may hereafter become holders of the Stock hereinafter mentioned, are hereby constituted a body politic and corporate, and shall be known by the name of *The Canadian and British Telegraph Company*, for the purpose of establishing telegraphic communication between the Continents of Europe and North America, *viâ* the Labrador Coast and Canada, and for the purpose of establishing branches thereof in this Province and elsewhere.

Certain persons incorporated.

2. The said Company may also establish, construct, purchase, hire, keep in order and work any line or lines of telegraph from the City of Quebec or from any other place within the Province of Canada, either by land or water, following the bed of the River St. Lawrence, or otherwise, or by both or either of them, to the most easterly point of the Labrador Coast, or to the Island of Belle-Isle, and with power and right to touch and land, should a subaqueous and submarine route be adopted or be partly so, for the purposes and uses of the Company, or for the purposes of opening and maintaining stations thereof at all such point or points, place or places in any part of the Province of Canada, or places under its jurisdiction, or between any two or more points therein, or between any point or points therein, and any island, province, country or place in or near the Continent of America, or in or near the Continent of Europe, or in the Gulf of St. Lawrence, or in the Atlantic Ocean, and with full power and authority to make such connection with the line of any Telegraphic Company or Companies in any portion of the United Kingdom of Great Britain and Ireland, and any such arrangement for working the same as to the said Company or its Directors shall appear fitting; And the company may borrow such sums of money (not exceeding in all the sum of five hundred thousand pounds, or two

Company to acquire and hold certain Lines of Telegraph.

May borrow $2,000,000.

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two millions of dollars,) and may issue such Bonds therefor, in such amounts, and made payable at such times, and bearing such interest, and secured in such manner (by mortgage or otherwise) as the said Corporation may deem expedient and proper in carrying out any of the objects and purposes aforesaid, and may make, adopt and use a Corporate Seal, and may sue and be sued, and may do every other act and thing whatsoever, which may reasonably come within the scope, purposes and objects contemplated by this Act.

Corporate powers.

Company may erect Telegraph Lines.

3. The said Corporation may lay down, erect and maintain its Line or Lines of Telegraph along the sides of and across any public highways, bridges, water-courses, or other such places, provided the said Corporation shall not interfere with the public right of travelling thereon, and may enter upon any lands or places, and survey and set off such parts thereof as may be necessary for such Line or Lines of Telegraph, and may, with the consent of the Governor in Council, take from any part of the ungranted and unoccupied Crown Lands of this Province, any posts or building materials, necessary to make or repair the said Line or Lines or any buildings in connection therewith; and in case of disagreement between the Company and any owner or occupier of lands which the said Corporation may take for the purposes aforesaid, or in respect to any damage done to the same, by constructing the Line or Lines through or upon the same, the said Corporation and such owner or occupier, as the case may be, shall each choose an arbitrator, which two arbitrators shall choose a third, and the decision (on the matter in difference) of any two of them, in writing, shall be final; and if the said owner or occupier, or the agent of the said Corporation, shall neglect or refuse to choose an arbitrator within four days after the notice, in writing, from the opposite party to him, and upon proof of personal service of such notice, or if such two arbitrators, when duly chosen, shall disagree in the choice of a third arbitrator, in any such case it shall be lawful for the Commissioner of Public Works, for the time being, to nominate any such arbitrator, or such third arbitrator, as the case may be, who shall possess the same power as if chosen in manner above provided; Provided always, that nothing herein contained shall be construed to confer on the said Corporation the right of building a bridge over any navigable river in this Province.

Where materials may be taken.

In case of disagreement with owners of land, arbitrators to be appointed.

Proviso: as to bridges.

Capital to be $1,000,000.

Shares.

4. The Capital of the said Corporation shall be Two Hundred and Fifty Thousand Pounds, or One Million Dollars, and shall be divided into shares of Twenty-five Pounds, or One Hundred Dollars each; and the said Capital may be increased, from time to time, by resolution of the Board of Directors, by and with the consent of a majority in amount of the shareholders; but such capital shall at no time be made to exceed Two Millions of Dollars.

5.

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5. The said Honorable John Young, Luther H. Holton, Theodore Hart, Thomas Cramp, Robert James, Roy Campbell, James Wyld, Thomas Page, Josiah Patrick Wise and John Yates, shall cause books of subscription to be opened in the City of Montreal for thirty days, and afterwards in such other place or places as they may from time to time appoint, until the meeting of Shareholders hereinafter provided for, for receiving subscriptions of persons willing to become subscribers to the said undertaking; and for that purpose it shall be their duty, and they are hereby required to give public notice in one or more newspapers published in the said City, as they or a majority of them may think proper, of the time and place at which such books will be opened and ready for receiving subscriptions as aforesaid, of the persons authorized by them to receive such subscriptions, of the Bank or Banks into which the deposit thereon is to be paid, and of the time hereinafter limited for such payment; and every person whose name shall be written in such book as a subscriber to the said undertaking, and who shall have paid within ten days after the closing of the said books, into any of the Banks so appointed, or to any of their branches or agencies, ten per centum on the amount of stock so subscribed for, to the credit of the said Company, shall thereby become a member of the said Company, and shall have the same rights and privileges as such as are hereby conferred on the several persons who are herein mentioned by name as members of the said Company; Provided also, and it is hereby enacted, that such ten per centum shall not be withdrawn from the said Banks, or otherwise applied, except for the purposes of the said Telegraph Company, or upon the dissolution of the said Company from any cause whatsoever.

Subscription books; when and where to be opened.

Time and place and all details to be published.

Subscribers to be members of the Company, on paying ten per cent.

Proviso.

6. The concerns of the said Corporation shall be managed by a Board of Directors, to consist of eleven members, who shall be Stockholders of forty shares each of the said Corporation, and who shall be chosen and hold their office as hereinafter provided.

Eleven Directors.

7. Whenever five thousand shares of the said Capital Stock shall be subscribed, and ten per centum paid in as aforesaid, the said Corporation shall go into operation, and the shareholders may meet at such time and place, and upon such notice as a majority of them shall appoint; and at such meeting a Board of Directors shall be chosen; such Directors shall hold their office for one year, and until others shall be chosen in their places, and a majority of them shall constitute a quorum for the transaction of business; and there shall be an annual election of the Board of Directors at such time and place, and on such notice as shall be prescribed by the by-laws of the said Corporation; and it shall be the duty of the Stockholders to make and establish such by-laws, rules and regulations as they shall deem necessary, proper and expedient, touching and concerning

When the Company shall go into operation.

How and for what time Directors shall be elected.

Stockholders to make By-laws, &c.

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concerning the government of the said Corporation, and the management, control and disposition of the property, moneys, estate and effects of the same, the transfer of shares, the duties and conduct of the Directors and of the officers and servants of the said Corporation, the election and meetings of Directors, and all matters whatsoever which may appertain to the concerns of the said Corporation; And at all meetings of the Stockholders, each share shall entitle the holder to one vote, which may be given in person or by proxy.

Votes.

President and Vice-President.

Vacancies.

8. The Directors shall appoint one of their number to act as President, and another to act as Vice-President; and may appoint such other officers and agents as they shall deem necessary; When any vacancy shall happen among the Directors, it may be filled up by the remaining Directors, for the remainder of the term only; and the Directors may remove all officers appointed by them and appoint others in their places, and may fill all vacancies in the offices.

Stock books may be opened in Great Britain and Ireland.

9. The Directors of the said Company, for the time being, may open or cause to be opened stock-books for the subscription of parties desiring to become shareholders in the capital stock of the said Company, in as many and such places in the United Kingdom of Great Britain and Ireland and elsewhere, as they shall think fit, and may make such shares payable in such manner as the Directors shall see fit, and further may issue shares for stock subscribed in England or elsewhere, in such amounts respectively of sterling money of Great Britain as to such Directors shall from time to time seem fit, and may make the dividends thereon payable in like sterling money in England or elsewhere, at such place or places as to such Directors shall from time to time seem fit, and from time to time may appoint agents of the said Company in England or elsewhere, and may delegate to such agents such powers as to the Directors of the said Company shall from time to time seem fit, and may make such rules and regulations as to the Directors of the said Company shall from time to time seem fit, as to the issuing of such shares in England or elsewhere, and as to the mode, time, place or places of such transfer of such shares, and as to the mode, time and place of paying the dividends from time to time to accrue thereon, and otherwise as shall be deemed requisite or beneficial, for giving full effect to the powers hereby vested in the Directors of the said Company in respect of issuing such shares in England or elsewhere; and the said Directors, under a by-law so to be enacted by them, may fix the amount of the shares in the capital stock of the Company, at the sums of fifty pounds sterling or currency respectively, and they shall have power to consolidate and convert the present shares into shares of fifty pounds sterling or currency, by uniting together such number of shares of twenty-five pounds currency each, as may be requisite to make a share of fifty pounds sterling or currency respectively, at the option of the shareholders.

Agents may be appointed.

Shares may be fixed at £50 sterling or currency.

10.

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10. The said Corporation shall keep its principal office in the city of Montreal; The meetings of the Board of Directors shall be held and the stock of the said Company shall be registered and transferred in that city; but the Directors may, if it shall be deemed advisable, establish another office or other offices elsewhere, for the transfer of the stock of the said Corporation; and subordinate Boards of Directors may be created, with limited powers, for the transaction of such business as may be entrusted to them by the said Corporation.

Principal office to be at Montreal.

Other offices may be opened.

11. The Directors may require payments of subscription to the said capital stock, at such times and in such proportions as they may deem proper, under the penalty of forfeiting all stock and previous payments thereon; and the said Company may sue for and recover all such subscriptions; Notice of the times and places of such payments shall be published for four weeks previous to such times, at least once in each week, in at least two newspapers published in the city of Montreal.

How subscriptions shall be paid; calls.

Notice.

12. All and every the shares in the capital stock of the said Corporation, and all profits and advantages thereof, shall be deemed to be personal estate, and shall be transferable and transmissible as such; Provided always, that no assignment or transfer of any share shall be valid or effectual until such transfer be entered and registered in a book to be kept for that purpose; And provided also, that whenever any stockholder shall transfer in manner aforesaid all his stock or shares in the said Company, such stockholder shall cease to be a member of the said Corporation.

Shares to be considered personal estate.

Proviso.

Proviso.

13. Any person wilfully interrupting the free use by the said Company of any Telegraphic Line, established, hired, or used by it, or any works connected therewith, shall be subject to a penalty of not less than ten pounds nor more than one hundred pounds, to be recovered by any person informing and suing for the same, in a summary way before one or more Justices of the Peace, and to be levied by a warrant of distress and sale of the offender's goods and chattels, one half of such penalty to go to the party suing for the same, and the other half to be paid to the Receiver General of the Province for the use thereof, and in default of goods or chattels to satisfy such warrant, every such offender shall be committed to gaol by such Justice or Justices for any period not exceeding one hundred days; and if any person shall wilfully or maliciously obstruct or damage any such Telegraphic Line, works, buildings, machinery, or other property connected therewith, he shall be guilty of a misdemeanor, and shall be punished by imprisonment for a period not exceeding one year, and by a fine not exceeding two hundred pounds; And every operator, agent or servant of the said Company employed in the transmission or delivery of intelligence or messages, shall, before he enters on the duties of his office, make oath

Penalty for injuring Company's property.

How to be recovered.

Servants of Company to make oath of secrecy.

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oath before a Judge or Justice of the Peace, that he will not wilfully divulge the contents of any message transmitted by the said Company, or left with any of its operators, agents or servants for transmission or delivery; and every person violating the said oath shall be adjudged guilty of a misdemeanor and punished by imprisonment for a period not exceeding one year, or by a fine not exceeding two hundred pounds.

Penalty.

Telegraph to be always open for Government messages.

14. All Lines of Telegraph constructed or worked by the Company, shall at all reasonable times be open for the transmission of intelligence for Her Majesty; and the Company shall receive, transmit and deliver all such messages and signals as shall from time to time be tendered for transmission for Her Majesty, or Her Majesty's service.

Government messages to have preference over others.

15. All messages and signals sent or forwarded for transmission and delivery for Her Majesty or on Her Majesty's service, shall have priority over all other messages whatsoever, and it shall be imperative on the Company, their officers and servants, to transmit and deliver such messages and signals accordingly, and to suspend the transmission of all or any other messages until the said messages and signals shall first have been transmitted; and as between themselves, such messages and signals shall have no right of priority, but shall be transmitted and delivered in the order in which they may be respectively tendered for transmission or respectively arrive for delivery; Provided that in case of war the said Company shall be subjected as to the transmission of all messages and signals, to such orders as may from time to time be made by the Governor in Council.

Others to have no priority among themselves.

Proviso: in case of war.

Time for commencing and completing limited.

16. The said undertaking shall be commenced within two years, and completed from Quebec to Labrador within five years from the passing of this Act, otherwise this Act shall be null and void.

Public Act.

17. This Act shall be deemed and taken to be a Public Act.

CAP. CII.

An Act to incorporate the Royal Bank of Canada.

[*Assented to 4th May*, 1859.]

Preamble.

WHEREAS Henry Masterman, Frederick Mildred, John Dudin Brown, and John Addis, all of the City of London, in England, Esquires, have by their petition prayed that they and their associates and legal representatives might be incorporated for the purpose of establishing a Bank in Canada; And

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And whereas it would be conducive to the general prosperity of the country, that the said persons and others who see fit to associate themselves with them, should be incorporated for the said purpose: Therefore, Her Majesty, by and with the advice and consent of the Legislative Council and Assembly of Canada, enacts as follows:

1. The several persons hereinbefore named, and such other persons and bodies corporate and politic as may become shareholders in the Company to be by this Act created, and their assigns, shall be, and they are hereby created, constituted and declared to be a corporation, body corporate and politic, by the name of "The Royal Bank of Canada," and shall continue such Corporation, and shall have perpetual succession and a corporate seal, with power to alter and change the same at pleasure, and may sue and be sued, implead or be impleaded in all Courts of Law as other corporations may do; and shall have the power to acquire and hold real and immoveable estate for the management of their business, not exceeding the yearly value of three thousand pounds sterling, and may sell, alienate or exchange the same, and acquire other instead, and may, when duly organized as hereinafter provided, make, ordain and establish such rules, regulations and By-laws, as to them shall seem meet and necessary, for the due and proper administration of their affairs and the management of the said Bank, (such By-laws, rules and regulations not being inconsistent with this Act or contrary to the laws of this Province); Provided however, that such By-laws, rules and regulations shall be submitted for approval to the stockholders or shareholders in the said Bank, at their regular annual meetings.

Incorporation.

Corporate name and powers.

Real estate limited.

By-laws.

Proviso.

2. The Capital Stock of the said Bank (the words "the said Bank," meaning throughout this Act the Corporation aforesaid,) shall be three hundred thousand pounds sterling divided into fifteen thousand shares of twenty pounds sterling each, which shall be and are hereby vested in the several persons, who shall subscribe for the same, their legal representatives and assigns; Provided always, that the majority in number and value of the said shareholders shall always be British subjects resident in Great Britain or Ireland or some of Her Majesty's Colonies.

Capital £300,000—Shares £20 each.

Proviso.

3. As soon as the sum of one hundred thousand pounds sterling of the said Capital Stock shall have been subscribed, and twenty-five thousand pounds sterling actually paid in thereupon, it shall and may be lawful for the subscribers, or a majority of them, to call a meeting at some place to be named in Toronto, or in London, England, for the purpose of proceeding to the election of the number of Directors for the said Bank hereinafter mentioned, and such election shall then and there be made by a majority of shares voted upon in the manner

First meeting for election of Directors.

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manner hereinafter prescribed in respect of the annual election of Directors, and the persons then and there chosen shall be the first Directors, and shall be capable of serving until the first Monday of June, which will be in the year of Our Lord, one thousand eight hundred and sixty; Provided always, that no such meeting of the said subscribers shall take place until a notice specifying the objects of such meeting is published in one or more newspapers published in London or Toronto at least twenty days previous to such time of meeting; And provided also, that unless the said subscription of Capital Stock and the said payment thereon be completed within twelve months after the passing of this Act, this Charter and Act shall be null and void.

Period of service of Directors.

Proviso: notice to be given.

Proviso: subscription to be completed in one year.

Instalments.

4. The shares of the Capital Stock subscribed for shall be paid in and by such instalments, and at such times and places, as the said Directors shall appoint; and executors, administrators and curators paying instalments upon the shares of deceased Shareholders, shall be and they are hereby respectively indemnified for paying the same; Provided always, that no share or shares shall be held to be lawfully subscribed for unless a sum equal to at least ten per centum on the amount subscribed for be actually paid at the time of subscribing; Provided further, that it shall not be lawful for the subscribers to the Capital Stock hereby authorized to be raised, to commence the business of Banking until a sum not less than fifty thousand pounds sterling shall have been duly paid in by such subscribers; Provided further, that the remainder of the said Capital Stock shall be subscribed and paid up as follows, that is to say: the sum of fifty thousand pounds sterling within eighteen months; the further sum of one hundred thousand pounds sterling within three years; and the further sum of one hundred thousand pounds sterling within five years after the said Bank shall have so commenced the business of Banking, under penalty of forfeiture of their Charter.

Proviso: ten per cent. payable on subscribing.

Proviso: condition precedent to commencing the business of Banking.

Proviso: within what time the full capital to be paid up.

Subscribers may pay in full, &c.

5. If any person or persons subscribing for shares of the Capital Stock of the said Bank shall also be willing to pay up, at the time of subscribing, the full amount of the shares subscribed for, it shall and may be lawful for the Directors of the Bank, and at any time, within the period hereinbefore limited for subscribing for such stock, to admit and receive such subscriptions and full payment or payments of any number of instalments.

Forfeiture for non-payment of calls.

6. If any shareholder or shareholders shall refuse or neglect to pay any instalments upon his, her or their shares of the said capital stock at the time or times required by the Directors as aforesaid, such shareholder or shareholders shall incur a forfeiture to the use of the said Bank of a sum of money equal to ten per centum on the amount of such shares; and

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and moreover, it shall be lawful for the Directors of the said Bank (without any previous formality other than thirty days' public notice of their intention), to sell at public auction the said shares, or so many of the said shares as shall, after deducting the reasonable expenses of the sale, yield a sum of money sufficient to pay the unpaid instalments due on the remainder of the said shares, and the amount of forfeitures incurred on the whole; and the President with the Vice-President, or the cashier of the said Bank, shall execute the transfer to the purchaser of the shares of stock so sold, and such transfer being accepted shall be as valid and effectual in law as if the same had been executed by the original holder or holders of the shares of stock thereby transferred; Provided always, that nothing in this section contained shall be held to debar the Directors or Shareholders at a general meeting from remitting either in whole or part, and conditionally or unconditionally, any forfeiture incurred by the non-payment of any instalment as aforesaid.

Sale of Shares on which calls or not paid.

Proviso: forfeiture may be remitted.

7. The chief place or seat of business of the said Bank in this Province shall be in Toronto, but it shall and may be lawful for the Directors of the Bank to open and establish in other places, Towns and Cities in this Province, Branches, or Agencies, or offices of discount and deposit of the said Bank, under such rules and regulations for the good and faithful management of the same as to the said Directors shall from time to time seem meet, not being repugnant to any law of this Province, to this Act, or to the By-laws of the said Bank.

Chief place of business.

Branches.

Branch offices, &c.

8. For the management of the affairs of the said Bank, there shall be seven Directors annually elected by the shareholders of the capital stock thereof, at a general meeting of them to be held on the first Monday in June in each year after the present year, one thousand eight hundred and fifty-nine, at the City of Toronto, in this Province; at which meetings the shareholders shall vote according to the scale or rule of votes hereinafter established; and the Directors elected by a majority of votes given in conformity to such rule or scale shall be capable of serving as Directors for the ensuing twelve months; and at their first meeting after such election the Directors shall choose out of their number a President and a Vice-President, who shall hold their offices respectively during the same period; and in case of a vacancy occurring in the said number of seven Directors, the remaining Directors shall fill the same by election from among the shareholders, and such Director so elected shall be capable of serving as a Director until the next annual general meeting of the shareholders; and if the vacancy occurring in the said number of seven Directors shall also cause the vacancy of the office of President or Vice-President, the Directors, at their first meeting after their number shall have been completed as aforesaid, shall fill the vacant office by choice or election from among themselves, and the Director so chosen

Seven Directors to be elected annually by a majority of votes.

President and Vice-President.

Vacancies, how filled.

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chosen or elected to be President or Vice-President shall fill the office to which he shall be so chosen or elected until the next annual general meeting of the shareholders; Provided always, that each of the Directors shall be the holder and proprietor in his own name of not less than fifty shares of capital stock of the said Bank wholly paid up, and shall be a natural born or naturalized subject of Her Majesty; And provided also, that it shall be lawful for the shareholders at any annual meeting to pass a By-law directing that four of the Directors in office at the period of such annual election shall be re-elected for the next ensuing twelve months.

Proviso: qualification of Directors.

Proviso: as to re-election of Directors.

Proviso: if any election should fail.

9. If at any time it shall happen that an election of Directors shall not be made or take effect on the day fixed by this Act, the said Corporation shall not be deemed or taken to be thereby dissolved, but it shall be lawful at any subsequent time to make such election at a general meeting of the shareholders to be called for that purpose; and the Directors in office when such failure of election shall take place shall remain in office until such election shall be made.

Who may inspect the Bank books.

10. The books, correspondence and funds of the said Bank shall at all times be subject to the inspection of the Directors, but no shareholder not being a Director shall inspect or be allowed to inspect the account or accounts of any person or persons dealing with the said Bank.

Quorum of Directors and who to preside.

11. At all meetings of the Directors of the said Bank, not less than three of them shall constitute a Board or quorum for the transaction of business; and at the said meetings the President, or in his absence the Vice-President, or in their absence one of the Directors present, to be chosen *pro tempore*, shall preside; and the President, Vice-President, or President *pro tempore* so presiding shall vote as a Director only.

Directors to make By-laws for certain purposes.

12. It shall and may be lawful for the Directors of the said Bank from time to time to make and enact By-laws, Rules and Regulations (the same not being repugnant to this Act or to the Laws of this Province,) for the proper management of the affairs of the said Corporation, and from time to time to alter or repeal the same, and others to make and enact in their stead; Provided always, that no By-law, Rule or Regulation so made by the Directors shall have force or effect until the same shall, after six weeks' public notice, have been confirmed by the shareholders at an annual general meeting, or at a special general meeting called for that purpose.

Proviso: as to notice.

Payment of President and Directors.

13. The shareholders may, by a By-law, appropriate a sum of money for the remuneration of the services of the President and Directors as such, and the President and Directors may annually apportion the same among themselves as they may think fit; no Director shall act as a private banker.

Proviso.

14.

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14. The Directors of the said Bank shall have power to appoint a Cashier, Assistant Cashier, and Secretary, and Clerks and Servants under them, and such other officers as shall be necessary for conducting the business of the said Bank, and to allow reasonable compensation for their services respectively, and shall also be capable of exercising such powers and authority for the well governing and ordering of the affairs of the Corporation as shall be prescribed by the By-laws thereof; Provided always, that before permitting any Cashier, Assistant Cashier, Officer, Clerk or Servant of the Bank, to enter upon the duties of his office, the Directors shall require him to give bond with sureties to the satisfaction of the Directors, that is to say: Every Cashier in a sum not less than five thousand pounds sterling, every Assistant Cashier in the sum of three thousand pounds sterling, and every other officer, clerk or servant in such sum of money as the Directors shall consider adequate to the trust reposed in him, with condition for good and faithful behaviour.

Directors to appoint Bank Officers and Servants.

Proviso: security to be taken from each.

Amount.

15. It shall be the duty of the Directors to make half-yearly dividends of so much of the profits of the said Bank as to them shall appear advisable, and such dividends shall be payable at such place or places as the Directors shall appoint, and of which they shall give thirty days' public notice previously; Provided always, that such dividends shall not in any manner lessen or impair the capital stock of the said Bank.

Directors to make dividends.

Proviso.

16. The general meetings of the shareholders of the said Bank to be held annually as aforesaid, for the purpose of electing Directors in the manner hereinbefore provided, shall be general meetings also for all other general purposes touching the affairs and the management of the affairs of the said Bank; and at each of the said annual general meetings the Directors shall exhibit a full and clear statement of the affairs of the said Bank.

Statement of affairs of Bank to be exhibited at yearly meetings.

17. The number of votes which the shareholders of the said Bank shall respectively be entitled to give at their meetings shall be according to the following scale, that is to say: for one share, and not more than two, one vote; for every two shares above two, and not exceeding ten, one vote, making five votes for ten shares; for every four shares above ten, and not exceeding thirty, one vote, making ten votes for every thirty shares; for every six shares above thirty, and not exceeding sixty, one vote, making fifteen votes for sixty shares; and for every eight shares above sixty, and not exceeding one hundred, one vote, making twenty votes for one hundred shares; and no shareholder shall be entitled to give a greater number of votes than twenty; and it shall be lawful for absent shareholders to give their votes by proxy, such proxy being also a shareholder, and being provided with a written authority from his constituent or constituents, in such form as shall be established by a By-law,

Scale of voting at general meetings.

Votes by proxy.

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Proviso.

and which authority shall be lodged in the Bank; Provided always, that a share or shares of the capital stock of the said Bank, which shall have been held for a less period than three calendar months immediately prior to any meeting of the shareholders shall not entitle the holder or holders to vote at such meeting either in person or by proxy; Provided also, that where two or more persons are joint holders of shares, it shall be lawful that one only of such joint holders be empowered by letter of Attorney from the other joint holder or holders, or a majority of them, to represent the said shares and vote accordingly; And provided also, that no shareholder, who shall not be a natural born or naturalized subject of Her Majesty, or who shall be a subject or citizen of any Foreign Prince or State, shall, either in person or by proxy, vote at any meeting whatever of the shareholders of the said Bank, or shall assist in calling any meeting of the shareholders; anything in this Act to the contrary notwithstanding.

Proviso: as to Joint Stockholders.

Voters must be British subjects.

Bank Officers not to vote.

18. No Cashier, Assistant Cashier, Bank Clerk, or other officer of the Bank shall vote, either in person or by proxy, at any meeting for the election of Directors, or hold a proxy for that purpose.

Special general meetings, how called, &c.

19. Any number not less than nine of the shareholders of the said Bank, who together shall be proprietors of at least one thousand shares of the paid up capital stock of the said Bank, by themselves or their proxies, or the Directors of the said Bank, or any four of them, shall respectively have power at any time to call a special general meeting of the shareholders of the said Bank, to be held at some specified and convenient place in the city in which their then last annual meeting was held, upon giving six weeks' previous notice thereof to each shareholder by letter mailed to his address, and specifying in such notice the object or objects of such meeting; and if the object of any such special general meeting be to consider of the proposed removal of the President, or Vice-President or of a Director or Directors of the Corporation, for mal-administration or other specified and apparently just cause, then, and in any such case, the person or persons whom it shall be so proposed to remove, shall, from the day on which the notice shall be first published, be suspended from the duties of his or their office or offices; and if it be the President or Vice-President whose removal shall be proposed as aforesaid, his office shall be filled up by the remaining Directors (in the manner hereinbefore provided in the case of a vacancy occuring in the office of President or Vice-President), who shall choose or elect a Director to serve as such President or Vice-President during the time such suspension shall continue to be undecided upon.

Six weeks' notice to be given.

If the object be the removal of a Director, &c.;

And if of the President or Vice-President.

20. The shares of the capital stock of the said Bank shall be held and adjudged to be personal estate and shall be transmissible accordingly, and shall be assignable and transferable at the

Shares to be personal estate.

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the chief seat or place of business of the said Bank, or at any of its Branches which the Directors shall appoint for that purpose, and according to such form as the Directors shall from time to time prescribe; but no assignment or transfer shall be valid and effectual unless it be made and registered in a book or books to be kept by the Directors for that purpose, nor until the person or persons making the same shall previously discharge all debts actually due, or contracted and not then due, by him, her or them to the Bank, which may exceed in amount the remaining stock (if any) belonging to such person or persons; and no fractional part or parts of a share or other than a whole share shall be assignable or transferable; and when any share or shares of the said capital stock shall have been sold under a writ of execution, the Sheriff by whom the writ shall have been executed, shall, within thirty days after the sale, leave with the Cashier of the Bank an attested copy of the writ, with the certificate of such Sheriff indorsed thereon, certifying to whom the sale has been made, and thereupon (but not until after all debts due, or contracted but not then due, by the original holder or holders of the said shares to the Bank shall have been discharged as aforesaid,) the President or Vice-President, or Cashier of the Corporation shall execute the transfer of the share or shares so sold to the purchaser, and such transfer being duly executed, shall be to all intents and purposes as valid and effectual in law as if it had been executed by the original holder or holders of the said share or shares; any law or usage to the contrary notwithstanding.

Transfers of shares must be registered in the Bank books.

Shares sold under execution.

Bank's lien upon shares.

21. Shares in the capital stock of the said Bank may be made transferable, and the dividend accruing thereon may be made payable in the United Kingdom in like manner as such shares and dividends are respectively transferable and payable at the chief seat or place of business of the said Bank in this Province for the time being; and to that end the Directors may from time to time make such rules and regulations and prescribe such forms, and appoint such agent or agents as they may deem necessary.

Shares may be transferred and dividends paid in the United Kingdom.

22. If the interest in any share in the said Bank become transmitted in consequence of the death or bankruptcy, or insolvency of any shareholder, or in consequence of the marriage of a female shareholder, or by any other lawful means than by a transfer according to the provisions of this Act, such transmission shall be authenticated by a Declaration in writing as hereinafter mentioned, or in such other manner as the Directors of the Bank shall require; and every such Declaration shall distinctly state the manner in which and the party to whom such share shall have been so transmitted, and shall be by such party made and signed; and every such declaration shall be, by the party making and signing the same, acknowledged before a Justice of a Court of Record, or before the Mayor, Provost or Chief Magistrate of a City, Town, Borough

By what declaration, &c., the transmission of shares otherwise than by regular transfer shall be authenticated.

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or other place, or before a Public Notary, where the same shall be made and signed; and every such declaration so signed and acknowledged shall be left with the Cashier, or other Officer or Agent of the Bank, who shall thereupon enter the name of the party entitled under such transmission in the Register of Shareholders; and until such transmission shall have been so authenticated, no party or person claiming by virtue of any such transmission, shall be entitled to receive any share of the profits of the Bank, nor to vote in respect of any such share as the holder thereof; Provided always, that every such declaration and instrument as by this and the following section of this Act is required to perfect the transmission of a share in the Bank which shall be made in any other country than in this or some other of the British Colonies in North America, or in the United Kingdom of Great Britain and Ireland, shall be further authenticated by the British Consul or Vice-Consul, or other the accredited Representative of the British Government in the country where the declaration shall be made, or shall be made directly before such British Consul, or Vice-Consul, or other the accredited Representative; And provided also, that nothing in this Act contained shall be held to debar the Directors, Cashier, or other officer or agent of the Bank from requiring corroborative evidence of any fact or facts alleged in any such declaration.

Proviso: as to declarations made in foreign parts.

Proviso: Directors may require further proof.

If the transmission be by the marriage of a female Shareholder, or by will or intestacy.

23. If the transmission of any share of the said Bank be by virtue of the marriage of a female Shareholder, the declaration shall contain a copy of the register of such marriage or other particulars of the celebration thereof, and shall declare the identity of the wife with the holder of such share; and if the transmission have taken place by virtue of any testamentary instrument, or by intestacy, the probate of the will or the letters of administration, or Act of curatorship, or an official extract therefrom, shall, together with such declaration, be produced, and left with the cashier or other officer or agent of the Bank.

If the transmission be by the decease of a Shareholder.

24. If the transmission of any share or shares in the capital stock of the said Bank be by decease of any shareholder, the production to the Directors, and deposit with them of any probate of the will of the deceased shareholder, or of letters of administration of his estate granted by any Court in this Province having power to grant such probate or letters of administration, or by any prerogative, diocesan, or peculiar Court or authority in England, Wales, Ireland, India, or any other British Colony, or of any testament testamentary, or testament dative expede in Scotland, or if the deceased Shareholder shall have died out of Her Majesty's dominions, the production to and deposit with the Directors of any probate of his will, or letters of administration of his property, or other document of like import granted by any Court or authority having the requisite power in such matters, shall be sufficient justification and

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and authority to the Directors for paying any dividend or transferring or authorizing the transfer of any share in pursuance of, and in conformity to such probate, letters of administration or other such document as aforsaid.

25. The said Bank shall not be bound to see to the execution of any trust, whether expressed, implied or constructive, to which any of the shares of its stock shall be subject; and the receipt of the party in whose name any such share shall stand in the books of the Bank, or if it stands in the name of more parties than one, the receipt of one of the parties shall from time to time be a sufficient discharge to the Bank for any dividend or other sum of money payable in respect of such share, notwithstanding any trust to which such share may then be subject, and whether or not the Bank have had notice of such trust; and the Bank shall not be bound to see to the application of the money paid upon such receipt; any law or usage to the contrary notwithstanding.

Bank not bound to see to trusts to which stock may be subject.

26. It shall be the duty of the Directors of the said Bank to invest, and to keep invested at all times in the Debentures of this Province, payable within the same, or secured upon the Consolidated Municipal Loan Fund, one-tenth part of the whole paid up capital of the said Bank under the authority of this Act, and to make a return of the numbers and amount of such Debentures, verified by the oaths and signatures of the President and Chief Cashier or Manager of the said Bank to the Minister of Finance, in the month of January in each year, under the penalty of forfeiture of the Charter of the said Bank in default of such investment and return.

Bank to invest one tenth of its paid up capital in provincial or municipal loan fund debentures, and to make a return thereof.

27. The said Bank shall not either directly or indirectly hold any lands or tenements (save and except such as by the first section of this Act it is especially authorized to acquire and hold), or any ships or other vessels, or any share or shares of the capital stock of the said Bank or of any other Bank in this Province; nor shall the said Bank either directly or indirectly lend money or make advances upon the security, mortgage or hypothecation of any lands or tenements, or of any ships or other vessels, nor upon the security or pledge of any share or shares of the capital stock of the said Bank, or of any goods, wares or merchandize, or purchase any share or shares of the capital stock of the said Bank, nor shall the said Bank either directly or indirectly raise loans of money, or deal in the buying, selling or bartering of goods, wares or merchandize, or engage or be engaged in any trade whatever, except as a dealer in gold and silver bullion, bills of exchange, discounting of promissory notes and negotiable securities, and in such trade generally as legitimately appertains to the business of banking; Provided always, that the said Bank may take and hold

Bank not to hold real property except as in sect. 1.

Nor exercise any but banking business.

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Proviso: may hold mortgages, &c., as additional security.

hold mortgages and hypothecation on real estate, and on ships, vessels and other personal property in this Province, by way of additional security for debts contracted to the Bank in the course of its dealings, and also for such purpose may purchase and take any oustanding mortgages, judgments or other charges upon the real or personal property of any debtor of the said Bank.

Discounts to Directors limited to one twentieth of the whole.

28. The aggregate amount of discounts and advances made by the said Bank upon commercial paper or securities bearing the name of any director or officer of the said Bank, or the name of any copartnership or firm in which any director or officer of the said Bank shall be a partner, shall not at any one time exceed one-twentieth of the total amount of discounts and advances made by the Bank at the same time, nor shall any director be allowed to obtain credit on his own personal guarantee.

Bank may retain discount, &c.

29. The said Bank may allow and pay any rate of interest upon money deposited in the said Bank; and in discounting promissory notes, bills or other negotiable securities or paper, may receive or retain the discount thereon, at any rate not exceeding seven per centum per annum, at the time of discounting or negotiating the same; and when any note, bill or other security or paper is *bonâ fide* payable at a place within the Province different from that at which it is discounted, the Bank may also, in addition to the discount, receive or retain an amount not exceeding one-half per centum on the amount of such note, bill or other negotiable security or paper; and the Bank may charge any note or bill held by and made payable at the Bank, against the deposit account of the maker of such note or acceptor of such bill, at the maturity thereof, any law, statute or usage to the contrary notwithstanding; Provided always that nothing herein contained shall derogate in any wise from the restrictions imposed by the Act of the twenty-second year of Her Majesty's Reign, intituled, *An Act to amend the Laws of this Province regulating the rate of interest.*

May charge a premium in certain cases.

May charge notes, &c., against the deposit account.

Proviso.

22 V. c. 85.

Certain bonds &c., of the Bank to be assignable by indorsement.

30. The bonds, obligations and bills obligatory or of credit, of the said Bank, under its common seal, and signed by the President or Vice-President, and countersigned by a Cashier or Assistant Cashier thereof, which shall be made payable to any person or persons, shall be assignable by indorsement thereon under the hand or hands of such person or persons, and of his, her or their assignee or assignees, and so as absolutely to transfer and vest the property thereof in the several assignees successively, and to enable such assignee or assignees to bring and maintain an action or actions thereon, in his, her or their own name or names; and signification of any assignment by indorsement shall not be necessary, any law, custom or usage to the contrary notwithstanding; and bills or notes of the said Bank, signed by the President, Vice-President, Cashier or other officer appointed by the Directors of the said Bank to sign the same, promising

Bills and notes valid though not under seal,

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promising the payment of money to any person or persons, his or their order, or to the bearer, though not under the corporate seal of the said Bank, shall be binding and obligatory upon it in the like manner and with the like force and effect as they would be upon any private person, if issued by him in his private or natural capacity, and shall be assignable in like manner as if they were so issued by a private person in his natural capacity; Provided always, that nothing in this Act shall be held to debar the Directors of the said Bank from authorizing or deputing from time to time any Cashier, Assistant Cashier or officer of the said Bank, or any Director other than the President or Vice-President, or any Cashier, Manager or local Director of any branch or office of discount and deposit of the said Bank, to sign the bills or notes of the Corporation intended for general circulation and payable to order or to bearer on demand.

and how assignable.

Proviso: Directors may authorize any Officers to sign notes.

31. And whereas it may be deemed expedient that the name or names of the person or persons intrusted and authorized by the Bank to sign bank notes and bills on behalf of the Bank, should be impressed by machinery in such form as may from time to time be adopted by the Bank, instead of being subscribed in the hand-writing of such person or persons respectively; And whereas doubts might arise respecting the validity of such notes; Be it therefore further declared and enacted, that all bank notes and bills of *The Royal Bank of Canada*, whereon the name or names of any person or persons intrusted or authorized to sign such notes or bills on behalf of the Bank, shall or may become impressed by machinery provided for that purpose, by or with the authority of the Bank, shall be and be taken to be good and valid to all intents and purposes, as if such notes and bills had been subscribed in the proper handwriting of the person or persons intrusted and authorized by the Bank to sign the same respectively, and shall be deemed and taken to be bank notes or bills within the meaning of all laws and statutes whatsoever; and shall and may be described as bank notes or bills in all indictments and civil or criminal proceedings whatsoever; any law, statute or usage to the contrary notwithstanding.

Recital.

Signature to Bank notes may be impressed by machinery.

And shall be Bank notes for all purposes civil or criminal.

32. The notes or bills of the Bank made payable to order or bearer, and intended for general circulation, whether the same shall issue from the chief seat or place of business of the said Bank, or from any of its branches in this Province, shall be payable on demand, in specie, at the place where they bear date.

Bank notes payable at place of date.

33. A suspension by the said Bank, either at its chief place or seat of business in this Province for the time being, or at any of its branches or offices of discount and deposit at any other place in this Province, of payment on demand in specie of the notes or bills of the said Bank, payable there on demand, shall,

Suspension of payment for sixty days to forfeit charter.

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shall, if the time of suspension extend to sixty days consecutively or at intervals, within any twelve consecutive months, operate as and be a forfeiture of its charter, and of all and every the privileges granted to it by this Act.

Total amount of Bank notes limited.

34. The total amount of the bank notes and bills of the said Bank of all values, in circulation in this Province at any one time, shall never exceed the aggregate amount of the paid up capital stock of the said Bank, for the time being, under the provisions of this Act, and the gold and silver coin, and bullion and debentures, or other securities reckoned at par, issued or guaranteed by the Government under the authority of the Legislature of this Province, on hand; and of the bank notes and bills in circulation at any one time, not more than one-fifth shall be in bank notes or bills under the nominal value of four dollars each; and no bank note or bill of the said Bank, under the nominal value of one dollar, shall be issued or put in circulation.

Amount of certain classes of notes limited.

None under five shillings.

Total liabilities of the Bank limited.

35. The total amount of the debts which the said Bank shall at any one time owe, whether by bond, bill, note or otherwise, shall not exceed three times the aggregate amount of its capital stock paid in under this Act, and the deposits made in the Bank in specie and Government securities for money; and in case of excess, or in case the total amount of the bills or notes of the said Bank payable to order or to bearer on demand, and intended for general circulation, shall at any time exceed the amount hereinbefore limited, the said Bank shall forfeit its charter and all the privileges granted to it by this Act, and the Directors under whose administration the excess shall happen, shall be liable jointly and severally for the same in their private capacity, as well to the Shareholders as to the holders of the bonds, bills and notes of the said Bank, and an action or actions in this behalf may be brought against them or any of them, and the heirs, executors, administrators, or curators of them or any of them, and be prosecuted to judgment and execution according to law; but such action or actions shall not exempt the said Bank, or its lands, tenements, goods or chattels from being also liable for such excess; Provided always, that if any Director present at the time of contracting any such excess of debt do forthwith, or if any Director absent at the time of contracting any such excess of debt do within twenty-four hours after he shall have obtained a knowledge thereof, enter on the minutes or register of the Bank his protest against the same, and do within eight days thereafter publish such protest in at least one newspaper published in the City or place in which such excess of debt was contracted, such Director may thereby, and not otherwise, exonerate and discharge himself, his heirs, executors and administrators, or curators, from the liability aforesaid, any thing herein contained, or any law to the contrary notwithstanding; Provided always, that such justification shall not exonerate any Director from his liability as a Shareholder.

Forfeiture of charter for excess under this or the next preceding section, and liability of Directors.

Proviso: how Directors may avoid such liability.

Proviso.

36.

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36. In the event of the property and assets of the said Bank becoming insufficient to liquidate the liabilities and engagements or debts thereof, the Shareholders of its stock in their private or natural capacities shall be liable and responsible for the deficiency, but to no greater extent than to double the amount of their respective shares, that is to say: the liability and responsibility of each Shareholder to the creditors of the said Bank shall be limited to a sum of money equal in amount to his stock therein, over and above any instalment or instalments which may be unpaid on such stock, for which he shall also remain liable and which he shall pay up; Provided always, that nothing in this section contained shall be construed to alter or diminish the additional liabilities of the Directors of the said Bank hereinbefore mentioned and declared.

Limitation of liability of Shareholders in case of insolvency of the Bank.

Proviso.

37. Besides the detailed statement of the affairs of the said Bank, hereinbefore required to be laid before the Shareholders thereof, at their annual general meeting, the Directors shall make up and publish on the first Monday in each and every month, statements of the assets and liabilities of the said Bank in the form of the Schedule A hereunto annexed, shewing under the heads specified in the said form, the average amount of the notes of the said Bank in circulation, and its other liabilities at the termination of the month to which the statement shall refer, and the average amount of specie and other assets that at the same times were available to meet the same; and it shall be the duty of the Directors to submit to the Governor of this Province, if required, a copy of such monthly statements, and if by him required to verify all or any parts of the said statements, the said Directors shall verify the same by the production of the weekly or monthly balance sheets from which the said statements shall have been compiled; And furthermore the said Directors shall from time to time, when required, furnish to the said Governor of this Province such further reasonable information respecting the state and proceedings of the said Bank and of the several branches and offices of discount and deposit thereof as such Governor of this Province may reasonably see fit to call for; Provided always, that the weekly or monthly balance sheets and the further information that shall be so produced and given, shall be held by the said Governor of this Province as being produced and given in strict confidence that he shall not divulge any part of the contents of the said weekly or monthly balance sheets or of the information that shall be so given; And provided also, that the Directors shall not, nor shall anything herein contained be construed to authorize them or any of them to make known the private accounts or account of any person or persons whatever having dealings with the said Bank.

Statement of Officers to be published monthly.

Copy to Governor, and how attested.

Governor may require further information.

Proviso: such further information to be confidential.

Proviso: private accounts not to be disclosed.

38. It shall not be lawful for the said Bank at any time whatever, directly or indirectly, to advance or lend to or for the use of or on account of any foreign Prince, Power or State,

Bank not to lend money to any foreign State, &c.

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State, any sum or sums of money or any securities for money; and if such unlawful advance or loan be made, then and from thenceforth the said corporation shall be dissolved, and all the powers, authorities, rights, privileges and advantages granted to it by this Act, shall cease and determine.

Public notices, how to be given.

39. The several public notices by this Act required to be given shall be given by advertisement in one or more of the newspapers published in London or Toronto, and in the *Canada Gazette*, or such other gazette as shall be generally known and accredited as the Official Gazette for the publication of official documents and notices emanating from the Civil Government of this Province, if any such Gazette be then published, or in the *London Gazette.*

Embezzlement &c., by Bank Officers to be felony.

40. If any cashier, assistant cashier, manager, clerk or servant of the said Bank shall secrete, embezzle, or abscond with any bond, obligation, bill obligatory or of credit, or other bill or note, or any security for money, or any moneys or effects entrusted to him as such cashier, assistant cashier, manager, clerk or servant, whether the same belong to the said Bank or belonging to any other person or persons, body or bodies politic or corporate, or institution or institutions, be lodged and deposited with the said Bank, the said cashier, assistant cashier, manager, clerk or servant so offending, and being thereof convicted in due form of law, shall be deemed guilty of felony.

Punishment over two years' imprisonment in Penitentiary.

41. Every person convicted of felony under this Act shall be punished by imprisonment at hard labour in the Provincial Penitentiary for any term not less than two years, or by imprisonment in any other Gaol or place of confinement for any less term than two years, in the discretion of the Court before which he shall be convicted.

Power to search for forged notes or machinery used for forging.

42. It shall and may be lawful to and for any Justice of the Peace on complaint made before him upon the oath of one credible person, that there is just cause to suspect that any one or more person or persons is or are, or hath or have been concerned in making or counterfeiting any false bills of exchange, promissory notes, undertakings or orders of the said Bank, or hath in his possession any plates, presses or other instruments, tools or materials for making or counterfeiting the same, or any part thereof, by warrant under the hand of such Justice, to cause the dwelling house, room, workshop or out-house or other place belonging to such suspected person or persons, or where any such person or persons shall be suspected of carrying on any such making or counterfeiting, to be searched; and if any such false bills of exchange, promissory notes, undertakings or orders, or any plates, presses or other tools, instruments or materials shall be found in the custody or possession of any person or

How dealt with if found.

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or persons whomsoever, not having the same by some lawful authority, it shall and may be lawful to and for any person or persons whomsoever discovering the same, to seize, and he or they are hereby authorized and required to seize such false or counterfeit bills of exchange, promissory notes, undertakings or orders, and such plates, presses or other tools, instruments or materials, and to carry the same forthwith before a Justice of the Peace of the County or District (or if more convenient of the adjoining County or District) in which the same shall be seized, who shall cause the same to be secured and produced in evidence against any person or persons who shall or may be prosecuted for any of the offences aforesaid in some Court of Justice proper for the determination thereof, and the same after being so produced in evidence shall by order of the Court be defaced or destroyed, or otherwise disposed of, as such Court shall direct.

Saving of rights of Crown, &c.

43. Nothing in this Act contained shall, in any manner, derogate from, or affect, or be construed to derogate from or affect the rights of Her Majesty, Her Heirs and Successors, or of any person or persons, or of any body or bodies politic or corporate, except in so far as the same may be specially derogated from or affected by the provisions of this Act.

Public Act.

44. This Act shall be held and taken to be a Public Act, and shall be known as the "Charter of the Royal Bank of Canada," and the Interpretation Act shall apply thereto.

Duration of this Act to 1870.

45. This Act shall be and remain in force until the first day of January, which will be in the year of Our Lord one thousand eight hundred and seventy, and from that time until the end of the then next session of the Parliament of this Province, and no longer.

Provision in case the Bank should become a Corporation for carrying on Banking in other British Provinces.

46. In the event of the corporation hereby created, or the members thereof, shareholders in the said Bank, collectively becoming, either by themselves or together with others, by the same name of "The Royal Bank of Canada," a corporation or corporations for the purpose of carrying on the business of banking in Nova Scotia, New Brunswick, the Island of Prince Edward, and Newfoundland, or in any or either of those Provinces or Islands, either in virtue of any Act or Acts of the Legislature or Legislatures thereof, or in virtue of any Royal Charter or Charters, any amount of capital stock authorized to be subscribed, or required to be subscribed and paid in, any amount of bank notes and bills authorized to be issued and circulated, any real estate authorized to be held, any proportionate amount of debt allowed to be owing at one time, any proportionate amount of capital stock required to be kept invested or secured, and any proportionate amount of bullion, coin, or specie, and government or other securities required to be kept on hand by the corporation or corporations thereby created,

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created, in and by such Act or Acts, Charter or Charters, shall be held and deemed to be, so far as this Province is concerned, additional to but separate from the amount of capital stock authorized to be subscribed, or required to be subscribed and paid in, the amount of bank notes and bills authorized to be issued and circulated, the real estate authorized to be held, the proportionate amount of debt allowed to be owing at one time, the proportionate amount of capital stock required to be kept invested or secured, and the proportionate amount of bullion, coin, specie and government or other securities required to be kept on hand by this Act; and nothing herein contained shall be held or deemed to extend thereto; and the said Royal Bank of Canada shall, notwithstanding such further incorporation, be held and bound to comply with the terms and conditions of this Act so far, and so far only, as respects the capital stock hereby authorized to be subscribed, or so much thereof as may be subscribed and paid in from time to time by the holders thereof, the notes and bills of the said Bank bearing date and payable at the chief seat or place of business of the said Bank in this Province or at any of its branches or agencies or offices of discount and deposit in this Province, and the property and assets, liabilities, engagements, and debts of the said Bank in this Province, and the conduct of its affairs in respect thereof.

SCHEDULE A

Referred to in the thirty-seventh section of the foregoing Act.

Return of the Average Amount of Liabilities and Assets of the Royal Bank of Canada during the period from the first to , one thousand eight hundred and .

LIABILITIES.

Promissory notes in circulation not bearing interest...$
Bills of exchange in circulation not bearing interest...$
Bills and notes in circulation bearing interest.....$
Balances due to other Banks.....$
Cash deposits not bearing interest.....$
Cash deposits bearing interest.....$

Total average liabilities.....$

ASSETS.

Coin and Bullion.....$
Landed or other property of the Bank.....$
Government securities.....$
Promissory notes or bills of other Banks.....$
Balances due from other Banks .....$

Notes

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Notes and bills discounted.....$
Other debts due to the Bank, not included under the foregoing heads.....$

Total average assets.. .... ..$

CAP. CIII.

An Act to incorporate *La Banque Nationale.*

[*Assented to 4th May*, 1859.]

Preamble.

WHEREAS the Honorable Ulric Joseph Tessier, Isidore Thibaudeau, Eugène Chinic, Cirice Têtu, Olivier Robitaille, David Dussault and Prudent Vallée, Esquires, all of the City of Quebec, have, by their petition signed by them and by many others, prayed that they and their legal representatives might be incorporated for the purpose of establishing a Bank, in the City of Quebec; And whereas it would be conducive to the general prosperity and commercial growth of the country; And whereas it is but just that the said persons and others who see fit to associate themselves, should be incorporated for the said purpose: Therefore, Her Majesty, by and with the advice and consent of the Legislative Council and Assembly of Canada, enacts as follows:

Incorporation.

Corporate name and powers.

Real estate limited.

By-laws.

Proviso.

1. The several persons hereinbefore named, and such other persons as may become shareholders in the Company to be by this Act created, and their assigns, shall be, and they are hereby created, constituted and declared to be a corporation, body corporate and politic, by the name of "La Banque Nationale," and shall continue such corporation, and shall have perpetual succession and a corporate seal, with power to alter and change the same at pleasure, and may sue and be sued, implead or be impleaded in all Courts of Law as other corporations may do; and shall have the power to acquire and hold real and immoveable estate for the management of their business, not exceeding the yearly value of five thousand dollars, and may sell, alienate or exchange the same, and acquire other instead, and may, when duly organized as hereinafter provided, make, ordain and establish such rules, regulations and by-laws as to them shall seem meet and necessary for the due and proper administration of their affairs and the management of the said Bank, (such by-laws, rules and regulations not being inconsistent with this Act, or contrary to the Laws of this Province); Provided, however, that such by-laws, rules and regulations shall be submitted for approval to the stockholders or shareholders in the said Bank, at their regular annual meetings.

Capital $1,000,000; shares of $50 each.

2. The Capital Stock of the said Bank (the words "the said Bank" meaning throughout this Act the corporation aforesaid,) shall be one million of dollars divided into shares of fifty

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fifty dollars, which shall be and are hereby vested in the several persons who shall subscribe for the same, their legal representatives and assigns; Provided always, that the majority in number and value of the said shareholders shall always be British subjects.

Proviso.

First Directors appointed, —their duties.

3. The said Honorable Ulric Joseph Tessier, Isidore Thibaudeau, Eugène Chinic, Cirice Têtu, Olivier Robitaille, David Dussault and Prudent Vallée, shall be the Provisional Directors of the said Bank for the purpose of opening books of subscription for the Stock of the said Bank, at the City of Quebec, and at such other places as to them shall seem meet, and to receive subscriptions for the said Stock, and to do such other things relative to the said subscription and the management of the affairs of the said Bank, as it may be requisite to do before the first general meeting of the stockholders for the election of Directors as hereinafter mentioned.

Meeting for election of Directors.

4. As soon as the sum of four hundred thousand dollars of the said Capital Stock shall have been subscribed, and forty thousand dollars actually paid in thereupon, to some one of the present Chartered Banks of this Province, it shall and may be lawful for the subscribers, or a majority of them, to call a meeting at some place to be named in Quebec, for the purpose of proceeding to the election of the number of Directors for the said Bank, hereinafter mentioned, and such elections shall then and there be made by a majority of shares voted upon, in the manner hereinafter prescribed in respect of the annual election of Directors, and the persons then and there chosen shall be the first Directors, and shall be capable of serving during the ensuing twelve months; Provided always, that no such meeting of the said subscribers shall take place until a notice specifying the objects of such meeting is published in one or more newspapers published in Quebec, at least twenty days previous to such time of meeting; Provided also, that unless the said subscription of Capital Stock and the said payment thereon be completed within twelve months after the passing of this Act, this Charter and Act shall be null and void.

Directors to serve during 12 months.

Proviso: notice to be given.

Instalments.

5. The shares of the Capital Stock subscribed for shall be paid in and by such instalments, and at such times and places as the said Directors shall appoint; and executors, administrators and curators paying instalments upon the shares of deceased shareholders, shall be and are hereby respectively, indemnified for paying the same; Provided always, that no share or shares shall be held lawfully subscribed for unless a sum equal to at least ten per centum on the amount subscribed for be actually paid at the time of subscribing; Provided further, that it shall not be lawful for the subscribers to the Capital Stock hereby authorized to be raised, to commence the business of Banking until a sum not less than one hundred thousand dollars

Proviso: ten per cent. payable on subscribing.

Proviso: condition precedent to commencing the

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dollars shall have been duly paid in by such subscribers, to some one of the present Chartered Banks of this Province; Provided further, that the remainder of the said Capital Stock shall be subscribed and paid up as follows, that is to say: the further sum of one hundred thousand dollars, within two years; the further sum of two hundred thousand dollars within three years; the further sum of two hundred thousand dollars, within four years, and the further sum of four hundred thousand dollars, within five years after the said Bank shall have so commenced the business of Banking under penalty of forfeiture of their Charter.

business of Banking.

Proviso: within what time the full capital to be paid up.

6. If any person or persons subscribing for shares of the Capital Stock of the said Bank shall also be willing to pay up at the time of subscribing the full amount of the shares subscribed for, it shall and may be lawful for the Directors of the Bank, and at any time within the period hereinbefore limited for subscribing for such Stock, to admit and receive such subscriptions and full payment or payment of any number of instalments.

Subscribers may pay in full, &c.

7. If any shareholder or shareholders shall refuse or neglect to pay any instalment upon his, her or their shares of the said Capital Stock at the time or times required by the Directors as aforesaid, such shareholder or shareholders shall incur a forfeiture to the use of the said Bank of a sum of money equal to ten per centum on the amount of such shares; and moreover, it shall be lawful for the Directors of the said Bank without any previous formality other than thirty days' public notice of their intention, to sell at public auction the said shares, or so many of the said shares as shall, after deducting the reasonable expenses of the sale, yield a sum of money sufficient to pay the unpaid instalments due on the remainder of the said shares, and the amount of forfeitures incurred on the whole; and the President with the Vice-President, or the Cashier of the said Bank, shall execute the transfer to the purchaser of the shares of stock so sold, and such transfer being accepted shall be as valid and effectual in law as if the same had been executed by the original holder or holders of the shares of stock thereby transferred; Provided always, that nothing in this section contained shall be held to debar the Directors or shareholders at a general meeting from remitting either in whole or in part, and conditionally or unconditionally, any forfeiture incurred by the non-payment of any instalment as aforesaid.

Forfeiture for non-payment of calls.

Sales of shares on which calls are not paid.

Proviso: forfeiture may be remitted.

8. The chief place or seat of business of the said Bank shall be in Quebec, but it shall and may be lawful for the Directors of the Bank to open and establish in other places, Towns and Cities in or out of this Province, Branches or Agencies, or offices of discount and deposit of the said Bank, under such rules and regulations for the good and faithful management of the same as to the said Directors shall from time to time seem meet, not being repugnant to any law of this Province, to this Act, or to the By-laws of the said Bank.

Chief place of business.

Branches.

9.

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Seven Directors to be elected annually by a majority of votes.

9. For the management of the affairs of the said Bank, there shall be seven Directors annually elected by the shareholders of the capital stock thereof, at a general meeting of them to be held annually on such day as from time to time shall be fixed by By-law in that behalf; at which meetings the shareholders shall vote according to the scale or rule of votes hereinafter established; and the Directors elected by a majority of votes given in conformity to such rule or scale shall be capable of serving as Directors for the ensuing twelve months; and at their first meeting after such election the Directors shall choose out of their number a President and a Vice-President, who shall hold their offices respectively during the same period; and in case of a vacancy occurring in the said number of seven Directors, the remaining Directors shall fill the same by election from among the shareholders, and such Director so elected shall be capable of serving as a Director until the next annual general meeting of the shareholders; and if the vacancy occurring in the said number of seven Directors shall also cause the vacancy of the office of President or of Vice-President, the Directors, at their first meeting after their number shall have been completed as aforesaid, shall fill the vacant office by choice or election from among themselves, and the Director so chosen or elected to be President or Vice-President shall fill the office to which he shall be so chosen or elected until the next general annual meeting of the shareholders; Provided always, that each of the Directors shall be the holder and proprietor in his own name of not less than twenty shares of capital stock of the said Bank wholly paid up, and shall be a natural born or naturalized subject of Her Majesty; And provided also, that it shall be lawful for the shareholders at any annual meeting to pass a By-law limiting the number of Directors to retire from office annually.

President and Vice-President.

Vacancies, how filled.

Proviso: Directors to be H. M. subjects.

Proviso: as to retirement of Directors.

Proviso: if any election should fail.

10. If at any time it shall happen that an election of Directors shall not be made or take effect on the day fixed by this Act, the said corporation shall not be deemed or taken to be thereby dissolved, but it shall be lawful at any subsequent time to make such election at a general meeting of the shareholders to be called for that purpose; and the Directors in office, when such failure of election shall take place, shall remain in office until such election shall be made.

Who may inspect the Bank books.

11. The books, correspondence and funds of the said Bank shall at all times be subject to the inspection of the Directors; but no shareholder, not being a Director, shall inspect or be allowed to inspect the account or accounts of any person or persons dealing with the said Bank.

Quorum of Directors and who to preside.

12. At all meetings of the Directors of the said Bank, not less than three of them shall constitute a board or quorum for the transaction of business; and at the said meetings the President, or in his absence the Vice-President, or in their absence one

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one of the Directors present to be chosen *pro tempore* shall preside; and the President, Vice-President or President *pro tempore* so presiding shall vote as a Director only.

Casting vote of President, &c.

13. It shall and may be lawful for the Directors of the said Bank from time to time to make and enact By-laws, Rules and Regulations (the same not being repugnant to this Act or to the Laws of this Province), for the proper management of the affairs of the said Corporation, and from time to time to alter or repeal the same and others to make and enact in their stead; Provided always, that no By-law, Rule or Regulation so made by the Directors shall have force or effect until the same shall, after six weeks' public notice, have been confirmed by the shareholders at an annual general meeting, or at a special general meeting called for that purpose.

Directors to make By-laws for certain purposes.

Proviso: as to notice.

14. The shareholders may, by a By-law, appropriate a sum of money for the remuneration of the services of the President and Directors as such, and the President and Directors may annually apportion the same among themselves as they may think fit: No Director shall act as a Private Banker.

Payment of President and Directors.

Proviso.

15. The Directors of the said Bank shall have power to appoint a Cashier, Assistant Cashier and Secretary, and Clerks and Servants under them, and such other officers as shall be necessary for conducting the business of the said Bank, and to allow reasonable compensation for their services respectively, and shall also be capable of exercising such powers and authority for the well governing and ordering of the affairs of the said Bank as shall be prescribed by the By-laws thereof; Provided always, that before permitting any Cashier, Assistant Cashier, Officer, Clerk or servant of the Bank, to enter upon the duties of his office, the Directors shall require him to give bond with sureties to the satisfaction of the Directors, that is to say: Every Cashier in a sum not less than twenty thousand dollars, every Assistant Cashier in the sum of twelve thousand dollars, and every other officer, clerk, or servant in such sum of money as the Directors shall consider adequate to the trust reposed in him, with condition for good and faithful behavior.

Directors to appoint Bank Officers and Servants.

Proviso: security to be taken from each.

Amount.

16. It shall be the duty of the Directors to make half-yearly dividends of so much of the profits of the said Bank as to them shall appear advisable; and such dividends shall be payable at such place or places as the Directors shall appoint, and of which they shall give thirty days' public notice previously; Provided always, that such dividends shall not in any manner lessen or impair the capital stock of the said Bank.

Directors to make dividends.

Proviso.

17. The general meetings of the shareholders of the said Bank to be held annually as aforesaid, in Quebec, for the purpose of electing Directors in the manner hereinbefore provided, shall be general meetings also for all other general purposes touching

Statement of affairs of Bank to be exhibited at yearly meetings.

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touching the affairs and the management of the affairs of the said Bank; and at each of the said annual general meetings the Directors shall exhibit a full and clear statement of the affairs of the Bank.

Scale of voting at general meetings.

18. The number of votes which the shareholders of the said Bank shall respectively be entitled to give at their meetings shall be according to the following scale, that is to say: for one share and not more than two, one vote; for every two shares above two and not exceeding ten, one vote, making five votes for ten shares; for every four shares above ten and not exceeding thirty, one vote, making ten votes for every thirty shares; for every six shares above thirty and not exceeding sixty, one vote, making fifteen votes for sixty shares; and for every eight shares above sixty and not exceeding one hundred, one vote, making twenty votes for one hundred shares; and no shareholder shall be entitled to give a greater number of votes than twenty; and it shall be lawful for absent shareholders to give their votes by proxy, such proxy being also a shareholder, and being provided with a written authority from his constituent or constituents, in such form as shall be established by a By-law, and which authority shall be lodged in the Bank; Provided always, that a share or shares of the capital stock of the said Bank which shall have been held for a less period than three calendar months immediately prior to any meeting of the shareholders shall not entitle the holder or holders to vote at such meeting either in person or by proxy; Provided also, that where two or more persons are joint holders of shares, it shall be lawful that one only of such joint holders be empowered by letter of Attorney from the other joint holder or holders, or a majority of them, to represent the said shares and vote accordingly; And provided also, that no shareholder who shall not be a natural born or naturalized subject of Her Majesty, or who shall be a subject or citizen of any Foreign Prince or State, shall, either in person or by proxy, vote at any meeting whatever of the shareholders of the said Bank, or shall assist in calling any meeting of the shareholders; any thing in this Act to the contrary notwithstanding.

Vote by proxy.

Proviso.

Proviso: as to Joint Stockholders.

Voters must be British subjects.

Bank Officers not to vote.

19. No Cashier, Assistant Cashier, Bank Clerk or other officer of the Bank, shall vote either in person or by proxy at any meeting for the election of Directors, or hold a proxy for that purpose.

Special general meetings, how called, &c.

20. Any number, not less than twenty-five of the shareholders of the said Bank, who together shall be proprietors of at least one hundred shares of the paid up Capital Stock of the said Bank, by themselves or their proxies, or the Directors of the said Bank, or any four of them, shall respectively have power at any time to call a special general meeting of the shareholders of the said Bank, to be held at their usual place of meeting in Quebec, upon giving six weeks' previous public notice

Six weeks'

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notice thereof, and specifying in such notice the object or objects of such meeting; and if the object of any such special general meeting be to consider of the proposed removal of the President or of a Director or Directors of the Corporation for mal-administration or other specified and apparently just cause, then in any such case the person or persons whom it shall be so proposed to remove, shall, from the day on which the notice shall be first published, be suspended from the duties of his or their office or offices, and if it be the President or Vice-President whose removal shall be proposed as aforesaid, his office shall be filled up by the remaining Directors (in the manner hereinbefore provided in the case of a vacancy occurring in the office of President or Vice-President,) who shall choose or elect a Director to serve as such President or Vice-President during the time such suspension shall continue to be undecided upon.

notice to be given.

If the object be the removal of a Director, &c.

And if of the President or Vice-President.

21. The shares of the capital stock of the said Bank shall be held and adjudged to be personal estate and shall be transmissible accordingly, and shall be assignable and transferable at the chief place of business of the said Bank, or at any of its Branches which the Directors shall appoint for that purpose, and according to such form as the Directors shall from time to time prescribe; but no assignment or transfer shall be valid and effectual unless it be made and registered in a Book or Books to be kept by the Directors for that purpose, nor until the person or persons making the same shall previously discharge all debts actually due or contracted, and not then due by him, her or them to the Bank, which may exceed in amount the remaining stock (if any) belonging to such person or persons; and no fractional part or part of a share or other than a whole share shall be assignable or transferable; and when any share or shares of the said capital stock shall have been sold under a writ of execution, the Sheriff by whom the writ shall have been executed shall, within thirty days after the sale, leave with the Cashier of the Bank an attested copy of the writ, with the certificate of such Sheriff indorsed thereon, certifying to whom the sale has been made, and thereupon (but not until after all debts due or contracted but not then due by the original holder or holders of the said shares to the Bank shall have been discharged as aforesaid,) the President, or Vice-President, or Cashier of the Corporation shall execute the transfer of the share or shares so sold to the purchaser, and such transfer, being duly executed, shall be to all intents and purposes as valid and effectual in law as if it had been executed by the original holder or holders of the said share or shares; any law or usage to the contrary notwithstanding.

Shares to be personal estate.

Transfers of shares must be registered in the Bank books.

Shares sold under execution.

Bank's lien upon shares.

22. Shares in the capital stock of the said Bank may be made transferable, and the dividends accruing thereon may be made payable in the United Kingdom in like manner as such shares and dividends are respectively transferable and payable at

Shares may be transferred and dividends paid in the United Kingdom.

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at the Chief Office of the said Bank in Quebec; and to that end the Directors may from time to time make such rules and regulations and prescribe such forms, and appoint such agent or agents as they may deem necessary.

By what declaration, &c., the transmission of shares otherwise than by regular transfer shall be authenticated.

23. If the interest in any share in the said bank become transmitted in consequence of the death or bankruptcy, or insolvency of any shareholder, or in consequence of the marriage of a female shareholder, or by any other lawful means than by a transfer according to the provisions of this Act, such transmission shall be authenticated by a Declaration in writing as hereinafter mentioned, or in such other manner as the Directors of the Bank shall require; and every such declaration shall distinctly state the manner in which and the party to whom, such share shall have been so transmitted, and shall be by such party made and signed; and every such declaration shall be, by the party making and signing the same, acknowledged before a Justice of a Court of Record, or before the Mayor, Provost or Chief Magistrate of a City, Town, Borough or other place, or before a Public Notary, where the same shall be made and signed; and every such declaration so signed and acknowledged shall be left with the Cashier, or other Officer or Agent of the Bank, who shall thereupon enter the name of the party entitled under such transmission in the Register of Shareholders; and until such transmission shall have been so authenticated, no party or person claiming by virtue of any such transmission, shall be entitled to receive any share of the profits of the Bank, nor to vote in respect of any such share as the holder thereof;

Proviso: as to declarations made in foreign parts.

Provided always, that every such declaration and instrument as by this and the following section of this Act is required to perfect the transmission of a share in the Bank which shall be made in any other country than in this or some other of the British Colonies in North America, or in the United Kingdom of Great Britain and Ireland, shall be further authenticated by the British Consul or Vice-Consul, or other the accredited Representative of the British Government in the country where the declaration shall be made, or shall be made directly before such British Consul or Vice-Consul or other accredited Representative;

Proviso: Directors may require further proof.

And provided also that nothing in this Act contained shall be held to debar the Directors, Cashier, or other officer or agent of the Bank from requiring corroborative evidence of any fact or facts alleged in any such declaration.

If the transmission be by the marriage of a female Shareholder, or by will or intestacy.

24. If the transmission of any share of the said Bank be by virtue of the marriage of a female shareholder, the declaration shall contain a copy of the register of such marriage or other particulars of the celebration thereof, and shall declare the identity of the wife with the holder of such share; and if the transmission have taken place by virtue of any testamentary instrument, or by intestacy, the probate of the will or the letters of administration, or Act of curatorship, or an official extract therefrom, shall, together with such declaration, be produced and

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and left with the cashier or other officer or agent of the Bank, who shall thereupon enter the name of the party entitled under such transmission in the Register of Shareholders.

25. If the transmission of any share or shares in the Capital Stock of the said Bank be by decease of any Shareholder, the production to the Directors and deposit with them of any probate of the will of the deceased Shareholder, or of letters of administration of his estate granted by any Court in this Province having power to grant such probate or letters of administration, or by any prerogative, diocesan, or peculiar court or authority in England, Wales, Ireland, India, or any other British colony, or of any testament testamentary, or testament dative expede in Scotland, or if the deceased Shareho'der shall have died out of Her Majesty's dominions, the production to and deposit with the Directors of any probate of his will or letters of administration of his property, or other document of like import, granted by any Court or authority having the requisite power in such matters, shall be sufficient justification and authority to the Directors for paying any dividend or transferring or authorizing the transfer of any share in pursuance of, and in conformity to such probate, letters of administration or other such document as aforesaid.

If the transmission be by the decease of a Shareholder.

26. The said Bank shall not be bound to see to the execution of any trust, whether express, implied or constructive, to which any of the shares of its stock shall be subject; and the receipt of the party in whose name any such share shall stand in the books of the Bank, or if it stands in the name of more parties than one, the receipt of one of the parties shall from time to time be a sufficient discharge to the Bank for any dividend or other sum of money payable in respect of such share, notwithstanding any trust to which such share may then be subject, and whether or not the Bank have had notice of such trust; and the Bank shall not be bound to see to the application of the money paid upon such receipt, any law or usage to the contrary notwithstanding.

Bank not bound to see to trusts to which stock may be subject.

27. It shall be the duty of the Directors of the said Bank to invest, and to keep invested at all times in the Debentures of this Province, payable within the same, or secured upon the Consolidated Municipal Loan Fund, one-tenth part of the whole paid up capital of the said Bank, and to make a return of the numbers and amount of such debentures, verified by the oaths and signatures of the President and Chief Cashier or Manager of the said Bank to the Inspector General in the month of January in each year, under the penalty of the forfeiture of the Charter of the said Bank in default of such investment and return; Provided always, that the said Directors shall not commence the ordinary business of Banking, until the sum of twenty thousand dollars shall have been invested in such debentures.

Bank to invest one tenth of its paid up capital in provincial or municipal debentures and to make a return thereof.

28.

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Bank not to hold real property except as in sect. 1.

Nor exercise any but banking business.

28. The said Bank shall not either directly or indirectly hold any lands or tenements (save and except such as by the first section of this Act it is especially authorized to acquire and hold,) or any ships or other vessels, or any share or shares of the Capital Stock of the said Bank, or of any other Bank in this Province; nor shall the said Bank, either directly or indirectly, lend money or make advances upon the security, mortgage or hypothecation (*hypothèque*) of any lands or tenements, or of any ships or other vessels, nor upon the security or pledge of any share or shares of the Capital Stock of the said Bank, or of any goods, wares or merchandize; nor shall the said Bank, either directly or indirectly, raise loans of money, or deal in the buying, selling or bartering of goods, wares or merchandize, or engage or be engaged in any trade whatever, except as a dealer in gold and silver bullion, bills of exchange, discounting of promissory notes and negotiable securities, and in such trade generally as legitimately appertains to the business of banking;

Proviso: may hold mortgages, &c., as additional security.

Provided always, that the said Bank may take and hold mortgages and *hypothèques* on real estate, and on ships, vessels, and other property in this Province, by way of additional security for debts contracted to the Bank in the course of its dealings, and also for such purpose may purchase and take any outstanding mortgages, judgments or other charges upon the real or personal property of any debtor of the said Bank.

Discounts to Directors limited to one twentieth of the whole.

29. The aggregate amount of discounts and advances made by the said Bank upon commercial paper or securities bearing the name of any Director of the said Bank, or the name of any copartnership or firm in which any Director of the said Bank shall be partner, shall not at any one time exceed one-twentieth of the total amount of discounts or advances made by the Bank at the same time.

Bank may retain discount, &c.

30. The Bank may allow and pay interest not exceeding the legal rate in this Province, upon money deposited in the Bank; and in discounting promissory notes, bills, or other negotiable securities or paper, may receive or retain the discount thereon, at the time of discounting or negotiating the same; and when notes, bills, or other negotiable securities or paper are *bonâ fide* payable at a place within the Province different from that at which they are discounted, the

May charge a premium in certain cases.

Bank may also, in addition to the discount, receive or retain an amount not exceeding one half per centum on the amount of each such note, bill, or other negotiable security or paper; and

May charge notes, &c., against deposit accounts.

the Bank may charge any note or bill held by and made payable at the Bank, against the deposit account of the maker or acceptor of such note or bill, at the maturity thereof; any law, statute or usage to the contrary notwithstanding;

Proviso.

Provided always, that nothing herein contained shall derogate in anywise from the restrictions imposed by the Act of the twenty-

22 V. c. 85.

second year of Her Majesty's reign, intituled, *An Act to amend the Laws of this Province regulating the rate of interest.*

31.

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31. The bonds, obligations and bills obligatory or of credit, of the said Bank, under its common seal, and signed by the President or Vice-President, and countersigned by a Cashier or Assistant Cashier thereof, which shall be made payable to any person or persons, shall be assignable by indorsement thereon under the hand or hands of such person or persons, and of his, her, or their assignee or assignees, and so as absolutely to transfer and vest the property thereof in the several assignees successively, and to enable such assignee or assignees to bring and maintain an action or actions thereon, in his, her or their own name or names; and signification of any assignment by indorsement shall not be necessary, any law, custom or usage to the contrary notwithstanding; and bills or notes of the said Bank, signed by the President, Vice-President, Cashier and other officer appointed by the Directors of the said Bank to sign the same, promising the payment of money to any person or persons, his or their order, or to the bearer, though not under the corporate seal of the said Bank, shall be binding and obligatory upon it, in the like manner and with the like force and effect as they would be upon any private person, if issued by him in his private or natural capacity, and shall be assignable in like manner as if they were so issued by a private person in his natural capacity; Provided always, that nothing in this Act shall be held to debar the Directors of the said Bank from authorizing or deputing from time to time any Cashier, Assistant Cashier or officer of the Bank, or any Director other than the President or Vice-President, or any Cashier, Manager or local Director of any branch or office of discount and deposit of the said Bank, to sign the bills or notes of the Corporation intended for general circulation and payable to order or to bearer on demand.

Certain bonds, &c., of the Bank to be assignable by indorsement.

Bills and notes valid though not under seal and how assignable.

Proviso: Directors may authorize any Officers to sign notes.

32. And whereas it may be deemed expedient that the name or names of the person or persons intrusted and authorized by the Bank to sign bank notes and bills on behalf of the Bank, should be impressed by machinery in such form as may from time to time be adopted by the Bank, instead of being subscribed in the hand-writing of such person or persons respectively; And whereas doubts might arise respecting the validity of such notes: Be it therefore further declared and enacted, that all bank notes and bills of "La Banque Nationale," whereon the name or names of any person or persons intrusted or authorized to sign such notes or bills on behalf of the Bank, shall or may become impressed by machinery provided for that purpose, by or with the authority of the Bank, shall be and be taken to be good and valid to all intents and purposes, as if such notes and bills had been subscribed in the proper hand-writing of the person or persons intrusted and authorized by the Bank to sign the same respectively, and shall be deemed and taken to be bank notes or bills within the meaning of all laws and statutes whatsoever; and shall and may be described as bank notes or bills in all indictments, and civil or criminal proceedings whatsoever;

Recital.

Signature to Bank notes may be impressed by machinery.

And shall be Bank notes for all purposes civil or criminal.

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whatsoever; any law, statute or usage to the contrary notwithstanding.

Bank notes payable at place of date.

33. The notes or bills of the Bank made payable to order or bearer, and intended for general circulation, whether the same shall issue from the chief seat or place of business of the said Bank in Quebec, or from any of its branches, shall be payable on demand in specie at the place where they bear date.

Suspension of payment for sixty days to forfeit charter.

34. A suspension by the said Bank either at its chief place or seat of business in Quebec aforesaid, or at any of its branches or offices of discount and deposit at any other place in this Province, of payment on demand in specie of the notes or bills of the said Bank, payable there on demand, shall, if the time of suspension extend to sixty days consecutively or at intervals, within any twelve consecutive months, operate as and be a forfeiture of its Charter, and of all and every the privileges granted to it by this Act.

Total amount of Bank notes limited.

None under five shillings.

May be further limited.

Proviso.

16 V. c. 162.

35. The total amount of the notes or bills of the said Bank being for a less sum than four dollars, current money of Canada, each, that shall or may be issued and put in circulation, shall not exceed at any one time one-fifth of the amount of the Capital Stock of the Bank then paid in; Provided always, that no notes under the nominal value of one dollar shall at any time be issued or put into circulation by the Bank, nor shall any further limitation by the Legislature of the total amount of notes to be issued or re-issued by the said Bank, be held to be any infringement upon the privileges hereby granted; Provided further, that the several provisions of an Act passed in the sixteenth year of Her Majesty's Reign, intituled, *An Act to encourage the issue by the Chartered Banks of this Province of Notes secured in the manner provided by the General Banking Law*, shall be and are hereby declared to be applicable to the Bank established under this Act.

Total liabilities of the Bank limited.

Forfeiture of charter for excess under this or the next preceding section, and liability of Directors.

36. The total amount of the debts which the said Bank shall at any one time owe, whether by bond, bill, note or otherwise, shall not exceed three times the aggregate amount of its Capital Stock paid in, and the deposits made in the Bank in specie and in Government securities for money; and at no one period after the passing of this Act, shall the notes or bills payable on demand and to bearer exceed the amount of the actually paid up Capital Stock of the Bank, and the gold and silver coin and bullion and debentures or other securities reckoned at par, issued or guaranteed by the Government under the authority of the Legislature of this Province on hand; and in case of excess, the Bank shall forfeit its Charter and all the privileges granted to it by this Act, and the Directors, under whose administration the excess shall happen, shall be liable jointly and severally for the same in their private capacity, as well to the shareholders as to the holders of the bonds, bills and notes of

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of the said Bank, and an action or actions in this behalf may be brought against them or any of them, and the heirs, executors, administrators, or curators of them or any of them, and be prosecuted to judgment and execution according to law; but such action or actions shall not exempt the said Bank, or its lands, tenements, goods or chattels from being also liable for such excess; Provided always, that if any Directors present at the time of contracting any such excess of debt do forthwith, or if any Director absent at the time of contracting any such excess of debt do within twenty-four hours after he shall have obtained a knowledge thereof, enter on the minutes or register of the Bank his protest against the same, and do within eight days thereafter publish such protest in at least one newspaper published in Quebec, such Director may thereby, and not otherwise, exonerate and discharge himself, his heirs, executors and administrators, or curators, from the liability aforesaid, any thing herein contained, or any law to the contrary notwithstanding; Provided always, that such publication shall not exonerate any Director from his liability as a shareholder.

Proviso: how Directors may avoid such liability.

Proviso.

37. In the event of the property and assets of the said Bank becoming insufficient to liquidate the liabilities and engagements or debts thereof, the shareholders of its stock in their private or natural capacities shall be liable and responsible for the deficiency, but to no greater extent than to double the amount of their respective shares, that is to say, the liability and responsibility of each shareholder to the creditors of the said Bank shall be limited to a sum of money equal in amount to his stock therein, over and above any instalment or instalments which may be unpaid on such stock, for which he shall also remain liable and which he shall pay up; Provided always, that nothing in this section contained shall be construed to alter or diminish the additional liabilities of the Directors of the said Bank hereinbefore mentioned and declared.

Limitation of liability of Shareholders in case of insolvency of the Bank.

Proviso.

38. Besides the detailed statement of the affairs of the said Bank, hereinbefore required to be laid before the shareholders thereof, at their annual general meeting, the Directors shall make up and publish on the first Monday in each and every month, statements of the assets and liabilities of the said Bank in the form of the Schedule A hereunto annexed, showing under the heads specified in the said form the average amount of the notes of the said Bank in circulation, and other liabilities at the termination of the month to which the statement shall refer, and the average amount of specie and other assets that at the same times were available to meet the same; and it shall be the duty of the Directors to submit to the Governor of this Province, if required, a copy of such monthly statements, and if by him required to verify all or any parts of the said statements, the said Directors shall verify the same by the production of the weekly or monthly balance-sheets from which the said statements shall have been compiled; And furthermore, the said Directors shall, from time to time, when required, furnish

Statement of Officers to be published monthly.

Copy to Governor, and how attested.

Governor may require fur-

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ther information.

furnish to the said Governor of this Province such further reasonable information respecting the state and proceedings of the said Bank and of the several branches and offices of discount and deposit thereof as such Governor of this Province may reasonably see fit to call for; Provided always, that the weekly or monthly balance-sheets and the further information that shall be so produced and given, shall be held by the said Governor of this Province as being produced and given in strict confidence, that he shall not divulge any part of the contents of the said weekly or monthly balance-sheets or of the information that shall be so given; And provided also, that the Directors shall not, nor shall any thing herein contained be construed to authorize them or any of them to make known the private accounts or account of any person or persons whatever having dealings with the said Bank.

Proviso: such further information to be confidential.

Proviso: private accounts not to be disclosed.

Bank not to lend money to any foreign State, &c.

39. It shall not be lawful for the said Bank at any time whatever, directly or indirectly, to advance or lend to or for the use of or on account of any foreign Prince, Power or State, any sum or sums of money or any securities for money; and if such unlawful advance or loan be made, then and from thenceforth the said corporation shall be dissolved, and all the powers, authorities, rights, privileges and advantages granted to it, by this Act, shall cease and determine.

Public notices how to be given.

40. The several public notices by this Act required to be given, shall be given by advertisement in one or more of the newspapers published in Quebec, and in the *Canada Gazette*, or such other Gazette as shall be generally known and accredited as the Official Gazette, for the publication of official documents and notices emanating from the Civil Government of this Province, if any such Gazette be then published.

Embezzlement, &c., by Bank Officers to be felony.

41. If any cashier, assistant cashier, manager, clerk or servant of the said Bank shall secrete, embezzle, or abscond with any bond, obligation, bill obligatory or of credit, or other bill or note, or any security for money, or any moneys or effects intrusted to him as such cashier, assistant cashier, manager, clerk or servant, whether the same belong to the said Bank, or belonging to any other person or persons, body or body politic or corporate, or institution or institutions, be lodged and deposited with the said Bank, the said cashier, assistant cashier, manager, clerk or servant so offending, and being thereof convicted in due form of law, shall be deemed guilty of felony.

Punishment two years imprisonment or more in Penitentiary, &c.

42. Every person convicted of felony under this Act shall be punished by imprisonment at hard labour in the Provincial Penitentiary for any term not less than two years, or by imprisonment in any other Gaol or place of confinement for any less term than two years in the discretion of the Court before which he shall be convicted.

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43. It shall and may be lawful to and for any Justice of the Peace, on complaint made before him upon the oath of one credible person, that there is just cause to suspect that any one or more person or persons is or are, or hath or have been concerned in making or counterfeiting any false bills of exchange, promissory notes, undertakings or orders of the said Bank, or hath in his possession any plates, presses or other instruments, tools or materials for making or counterfeiting the same, or any part thereof, by warrant under the hand of such Justice to cause the dwelling house, room, workshop or out-house or other building, yard, garden or other place belonging to such suspected person or persons, or where any such person or persons shall be suspected of carrying on any such making or counterfeiting, to be searched; and if any such false bills of exchange, promissory notes, undertakings or orders, or any plates, presses or other tools, instruments or materials shall be found in the custody or possession of any person or persons whomsoever, not having the same by some lawful authority, it shall and may be lawful to and for any person or persons whomsoever, discovering the same, to seize, and he or they are hereby authorized and required to seize such false or counterfeit bills of exchange, promissory notes, undertakings or orders, and such plates, presses, or other tools, instruments or materials, and to carry the same forthwith before a Justice of the Peace of the County or District (or if more convenient, of the adjoining County or District) in which the same shall be seized, who shall cause the same to be secured and produced in evidence against any person or persons who shall or may be prosecuted for any of the offences aforesaid in some Court of Justice proper for the determination thereof, and the same, after being so produced in evidence, shall, by order of the Court, be defaced or destroyed, or otherwise disposed of, as such Court shall direct.

Power to search for forged notes, or machinery used for forging.

How dealt with if found.

44. Nothing in this Act contained shall, in any manner, derogate from, or affect, or be construed to derogate from or affect the rights of Her Majesty, Her Heirs and Successors, or of any person or persons, or of any body or bodies politic or corporate, except in so far as the same may be specially derogated from or affected by the provisions of this Act.

Saving of rights of Crown, &c.

45. This Act shall be held and taken to be a Public Act, and shall be known as the "Charter of La Banque Nationale," and the Interpretation Act shall apply thereto.

Public Act.

46. This Act shall be and remain in force until the first day of January, which will be in the year of Our Lord, one thousand eight hundred and seventy, and from that time, until the end of the then next session of the Parliament of this Province, and no longer.

Duration of this Act to 1870.

SCHEDULE

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SCHEDULE A

Referred to in the thirty-eighth section of the foregoing Act.

Return of the Average Amount of Liabilities and Assets of "La Banque Nationale" during the period from the first to , one thousand eight hundred and .

LIABILITIES

Promissory notes in circulation not bearing interest... $
Bills of exchange in circulation not bearing interest... $
Bills and notes in circulation bearing interest..... $
Balances due to other Banks..... $
Cash deposits not bearing interest..... $
Cash deposits bearing interest..... $

Total average liabilities..... $

ASSETS.

Coin and Bullion. .... $
Landed or other property of the Bank..... $
Government securities..... $
Promissory notes or bills of other Banks..... ..... $
Balances due from other Banks..... $
Notes and bills discounted..... $
Other debts due to the Bank, not included under the foregoing heads..... $

Total average assets..... $

CAP. CIV.

An Act to incorporate the "Bank of Western Canada."

[*Assented to 4th May*, 1859.]

Preamble.

WHEREAS Duncan McFarland, John Simpson, and others, have by their Petition prayed that they with others and their legal Representatives, might be incorporated for the purpose of establishing a Bank in the County of Welland; And whereas it is expedient to grant their prayer: Therefore, Her Majesty, by and with the advice and consent of the Legislative Council and Assembly of Canada, enacts as follows:

Certain persons incorporated.

1. The several persons hereinbefore named, and such other persons as may become Shareholders in the Company to be by this Act created, and their assigns, shall be and they are hereby created, constituted and declared to be a Corporation, body corporate and politic, by the name of the "Bank of Western

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Western Canada," and shall continue such Corporation, and shall have perpetual succession and a Corporate Seal, with power to alter and change the same at pleasure, and may sue and be sued, implead or be impleaded in all Courts of Law, as other Corporations may do, and shall have the power to acquire and hold real and immoveable estate for the management of their business, not exceeding the yearly value of eight thousand dollars, and may sell, alienate or exchange the same, and acquire other instead, and may, when duly organized as hereinafter provided, make, ordain and establish such Rules, Regulations and By-laws as to them shall seem meet and necessary for the due and proper administration of their affairs, and the due management of the said Bank, such By-laws, Rules and Regulations not being inconsistent with this Act, or contrary to the laws of this Province; Provided, however, that such Rules, Regulations and By-laws shall be submitted for approval to the stockholders or shareholders in the said Bank, at their regular annual meetings.

Corporate name and general powers.

Real property limited.

By-laws.

Proviso.

2. The Capital Stock of the said Bank hereby incorporated shall be one million of dollars, money of this Province, divided into twenty thousand shares of fifty dollars each, which said shares shall be and are hereby vested in the several persons who shall subscribe for the same, their legal representatives and assigns; Provided always, that the majority in number and value of the said shareholders shall always be British subjects residing in Great Britain or Ireland or one of Her Majesty's colonies.

Capital stock, amount of number, and amount of shares.

Proviso.

3. For the purpose of raising the amount of the said Capital Stock, it shall be lawful for the persons hereby incorporated, or for any number of them, to cause Stock Books to be opened, after giving four weeks' public notice in one or more newspapers, in the County of Welland, upon which Stock Books shall and may be received the signatures and subscriptions of such persons or parties as desire to become shareholders in the said Bank; and such Books shall be opened at Clifton and elsewhere, at the discretion of the persons opening the same, and shall be kept open so long as may be necessary; and so soon as four hundred thousand dollars of the said Capital Stock shall have been subscribed upon the said Stock Books, and forty thousand dollars paid thereon, into some one of the present Chartered Banks of this Province, a public meeting shall be called of subscribers after two weeks' notice as hereinbefore provided, at such time and place as such notice shall indicate; and at such meeting the shareholders shall proceed to elect five Directors, having the requisite stock qualification, who shall from thenceforward manage the affairs of the said Bank, shall take charge of the Stock Books hereinabove referred to, and shall continue in office until the second Monday in January next thereafter, and until their successors in office shall be duly elected, and the said election shall be had in the same manner as the annual elections hereinafter provided for, as

Stock books may be opened.

At Clifton and elsewhere.

First meeting for election of Directors.

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as respects the regulating of votes according to the number of shares subscribed for; Provided always, that unless the said subscription of Capital Stock and the said payment thereon be completed within twelve months after the passing of this Act, this Charter and Act shall be null and void.

Shares to be paid in by instalments.

Ten per cent. on subscribing.

Proviso: when the stock shall be paid up.

4. The shares of Capital Stock subscribed for shall be paid in and by such instalments and at such times and places as the said Directors shall appoint; and executors, administrators and curators paying instalments upon the shares of deceased shareholders, shall be and they are hereby respectively indemnified for paying the same; Provided always, that no share or shares shall be held to be lawfully subscribed for, unless a sum equal at least to ten dollars per centum on the amount subscribed for, be actually paid at the time of subscribing; Provided further, that it shall not be lawful for the subscribers to the Capital Stock aforesaid, to commence the business of Banking, until a sum not less than one hundred thousand dollars shall have been paid in by them, to some one of the present Chartered Banks of this Province having a paid up capital of not less than a million of dollars; Provided further, that the said Capital Stock shall be subscribed for and paid up as follows, that is to say: the sum of two hundred thousand dollars within three years; the further sum of two hundred thousand dollars within four years; and the further sum of six hundred thousand dollars within five years after the said Bank shall have so commenced the business of Banking, under penalty of forfeiture of the Charter.

Shareholders neglecting to pay instalments to forfeit ten per cent. on amount of shares.

Shares may be forfeited.

Proviso: forfeiture may be remitted.

5. If any shareholder or shareholders shall refuse or neglect to pay any or either of the instalments upon his, her or their shares of the said Capital Stock at the time or times required by public notice as aforesaid, such shareholder or shareholders shall incur a forfeiture to the use of the said Bank, of a sum of money equal to ten dollars per centum on the amount of such shares; and moreover, it shall be lawful for the Directors of the said Bank (without any previous formality other than thirty days of public notice of their intention) to sell at public auction the said shares or so many of the said shares as shall, after deducting the reasonable expenses of the sale, yield a sum of money sufficient to pay the unpaid instalments due on the remainder of the said shares, and the amount of forfeiture incurred upon the whole; and the President or the Vice-President or Cashier of the said Bank shall execute the transfer to the purchaser of the shares of stock so sold, and such transfer, being accepted, shall be as valid and effectual in law as if the same had been executed by the original holder or holders of the shares of stock thereby transferred; Provided always, that nothing in this section contained shall be held to debar the directors or shareholders at a general meeting from limiting either in whole or in part, and conditionally or unconditionally, any forfeiture incurred by the non-payment of instalments as aforesaid.

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6. The chief place or seat of business of the said Bank shall be in Clifton aforesaid, but it shall and may be lawful for the directors of the Bank to open and establish in other cities, towns and places in this Province, Branches or offices of discount and deposit of the said Bank, under such rules and regulations for the good and faithful management of the same, as to the said Directors shall from time to time seem meet, and shall not be repugnant to any law of this Province, to this Act, or to the By-laws of the said Bank.

Chief place of business to be at Clifton.

Branches elsewhere.

7. For the management of the affairs of the said Bank, there shall be five Directors, who shall be annually elected by the shareholders of the capital stock of the Bank at a general meeting of them to be held annually on the second Monday in January; at which meeting the shareholders shall vote according to the rule or scale of votes hereinafter established; and the Directors elected by a majority of votes given in conformity to such rule or scale, shall be capable of serving as Directors for the ensuing twelve months; and at their first meeting to be held immediately after such election, shall choose out of their number, or from among the stockholders being eligible for election as Directors, a President and a Vice-President, who shall hold their offices respectively during the same period; and in case of vacancy occurring in the said number of Directors, the remaining Directors shall fill the same by election from among the shareholders, and the Director so elected shall be capable of serving as a Director until the next annual general meeting of the shareholders; and if the vacancy occurring in the said number of Directors shall also cause the vacancy of the office of President or of Vice-President, the Directors, at their first meeting after their number shall have been completed as aforesaid, shall fill the vacant office by choice or election from among themselves, and the Director so chosen or elected shall fill the office to which he shall be so chosen or elected, until the next general annual meeting of the shareholders; Provided always, that each of the Directors shall be the holder and proprietor in his own name of not less than twenty shares of the capital stock of the said Bank, and shall be a natural born or naturalized subject of Her Majesty and a resident of Canada.

Affairs to be managed by five Directors to be elected, yearly by votes of Shareholders.

President and Vice-President.

Vacancies, how to be filled up.

Qualification of Directors.

8. If at any time it shall happen that an election of Directors shall not be made or take effect on the day fixed by this Act, the corporation hereby constituted shall not be deemed or taken to be thereby dissolved, but it shall be lawful at any subsequent time to make such election, at a general meeting of the shareholders to be duly called for that purpose.

Election not taking place, Corporation not thereby dissolved.

9. The books, correspondence and funds of the Bank shall, at all times, be subject to the inspection of the Directors, but no shareholder not being a Director shall inspect or be allowed to inspect the account or accounts of any person or persons dealing with the Bank.

Books, &c., to be subject to inspection of Directors.

10.

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Quorum of Directors.

10. At all meetings of the Directors of the said Bank, not less than three of them shall constitute a board or quorum for the transaction of business; and at the said meetings the President, or in his absence the Vice-President, or in their absence one of the Directors present to be chosen *pro tempore*, shall preside; and the President, Vice-President or President *pro tempore* so presiding, shall vote as a Director only.

Provisional Directors appointed.

11. Until the first general election of Directors under this Act, the said Duncan McFarland, John Simpson, Gilbert McMicken, Zenas B. Lewis, George Bender, Richard Graham, John W. Dunklee, Robert Hobson and John Scholfield, shall be the Provisional Directors, and such Provisional Directors shall elect the President, and the Vice-President, and shall continue in office until the first meeting of subscribers.

Directors may make By-laws.

12. It shall and may be lawful for the Directors of the said Bank, from time to time to make and enact By-laws, Rules and Regulations (the same not being repugnant to this Act or to the laws of this Province,) for the proper management of the affairs of the said Bank, and from time to time to alter or repeal the same and others to make and enact in their stead; Provided always, that no By-law, Rule or Regulation so made by the Directors shall have force or effect until the same shall, after six weeks' public notice, have been confirmed by the shareholders at an annual general meeting, or at a special general meeting called for that purpose.

By-laws to be confirmed by Shareholders.

Remuneration of Directors.

13. The shareholders may, by a By-law, appropriate a sum of money for the remuneration of the services of the President and Directors as such, and the President and Directors may annually apportion the same among themselves as they may think fit: No Director shall act as a private Banker.

No Director to act as private banker.

Directors may appoint Cashiers and Officers.

Other powers.

14. The Directors of the said Bank shall have power to appoint such Cashiers, Officers, Clerks and Servants under them as shall be necessary for conducting the business of the Bank, and to allow reasonable compensation for their services respectively, and shall also be capable of exercising such power and authority for the well-governing and ordering of the affairs of the Bank, as shall be prescribed by the By-laws thereof; Provided always, that before permitting any Cashier, Officer, Clerk or Servant of the Bank to enter upon the duties of his office, the Directors shall require every such Cashier, Officer, Clerk or Servant, to give bond, to the satisfaction of the Directors, in such sum of money as the Directors consider adequate to the trust to be reposed, with condition for good and faithful behaviour; every Cashier in a sum not less than twenty thousand dollars, every Assistant Cashier in a sum not less than twelve thousand dollars, and every other Officer and Servant of the Bank in such sum as the Directors shall consider adequate to the trust reposed in him with condition for good and faithful behaviour.

Security to be taken from Officers.

Amount of security.

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15. It shall be the duty of the Directors to make half-yearly dividends of so much of the profits of the Bank as to them shall appear advisable; and such dividends shall be payable at such place or places as the Directors shall appoint, and of which they shall give public notice thirty days previously; Provided always, that no such dividends shall in any manner lessen or impair the Capital Stock of the Bank.

Directors to make half-yearly dividends.

Proviso.

16. A general Meeting of the Shareholders of the Bank shall be held in Clifton aforesaid, on the second Monday in the month of January, in every year during the continuance of this Act, for the purpose of electing Directors in the manner hereinafter provided, and for all other general purposes touching the affairs and the management of the affairs of the Bank; and at each of the said Annual General Meetings, the Directors shall submit a full and clear statement of the affairs of the Bank, containing, on the one part, the amount of Capital Stock paid in, the amount of notes of the Bank in circulation, the net profits in hand, the balances due to other Banks and Institutions, and the Cash deposited in the Bank, distinguishing deposits bearing interest from those not bearing interest; and, on the other part, the amount of current coins and gold and silver bullion in the vaults of the Bank, the value of buildings and other real estate belonging to the Bank, the balances due to the Bank from other Banks or Institutions, and the amount of debts owing to the Bank, including and particularizing the amounts so owing on bills of exchange, discounted notes, mortgages, and hypothecs, and other securities; thus exhibiting on the one hand the liabilities of, or debts due by the Bank, and on the other hand, the assets and resources thereof; and the said statement shall also exhibit the rate and amount of the then last dividend declared by the Directors, the amount of profits reserved at the time of declaring such dividend, and the amount of debts of the Bank overdue and not paid, with an estimate of the loss which may probably be incurred from the non-payment of such debts.

Annual meeting of Stockholders for election of Directors.

Statement of affairs.

Its form and contents.

Last dividend and reserve fund.

17. The number of votes which the shareholders of the said Bank shall respectively be entitled to give at their meetings, shall be according to the following scale, that is to say: for one share and not more than two, one vote; for every two shares above two and not exceeding ten, one vote, making five votes for ten shares; for every four shares above ten and not exceeding thirty, one vote, making ten votes for every thirty shares; for every six shares above thirty and not exceeding sixty, one vote, making fifteen votes for sixty shares; and for every eight shares above sixty and not exceeding one hundred, one vote, making twenty votes for one hundred shares; and no shareholder shall be entitled to give a greater number of votes than twenty; and it shall be lawful for absent shareholders to give their votes by proxy, such proxy being also a shareholder, and being provided with a written authority from his constituent or

Scale of voting.

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constituents, in such form as shall be established by a By-law, and which authority shall be lodged in the Bank; Provided always, that a share or shares of the Capital Stock of the said Bank, which shall have been held for a less period than three calendar months immediately prior to any meeting of the shareholders shall not entitle the holder or holders to vote at such meeting, either in person or by proxy; Provided also, that where two or more persons are joint holders of shares, it shall be lawful that one only of such joint holders be empowered, by letter of Attorney from the other joint holder or holders, or a majority of them, to represent the said shares and vote accordingly; And provided also, that no shareholder who shall not be a natural born or naturalized subject of Her Majesty, or who shall be a subject or citizen of any Foreign Prince or State, shall either in person or by proxy, vote at any meeting whatever of the shareholders of the said Bank, or shall assist in calling any meeting of the shareholders; any thing in this Act to the contrary notwithstanding.

Proviso: shares must have been held a certain time.

As to Joint holders.

Must be British subjects.

Officers not to vote.

18. No Cashier, Bank Clerk, or other officer of the Bank, shall vote either in person or by proxy at any meeting for the election of directors, or hold a proxy for that purpose.

Special meetings may be called, and how.

19. Any number, not less than twenty, of the shareholders of the said Bank, who, together, shall be proprietors of at least five hundred shares of the paid up Capital Stock of the Bank, by themselves or proxies, or the directors of the Bank, or any four of them, shall respectively have power at any time to call a special general meeting of the shareholders of the Bank, to be held at their usual place of meeting in Clifton, upon giving six weeks' previous public notice thereof, and specifying in such notice the object or objects of such meeting; and if the object of any such special general meeting be to consider of the proposed removal of the President, or Vice-President, or of a Director or Directors of the Bank, for mal-administration or other specified and apparently just cause, then and in such cases the person or persons whom it shall be proposed to remove, shall, from the day on which the notice shall first be published, be suspended from the duties of his or their office or offices, and if it be the President or Vice-President whose removal shall be proposed as aforesaid, his office shall be filled up by the remaining Directors (in the manner hereinbefore provided in the case of a vacancy occurring in the office of President,) who shall choose or elect a Director to serve as such President or Vice-President during the time such suspension shall continue to be undecided upon.

Notice thereof.

If it be for the removal of a President or Vice-President.

Stock to be deemed personal estate, how assignable.

20. The shares of the Capital Stock of the said Bank shall be held and adjudged to be personal estate, and be transmissible accordingly, and shall be assignable and transferable at the Bank according to the form of Schedule A annexed to this Act; but no assignment or transfer shall be valid and effectual,

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effectual, unless it be made and registered in a Book or Books to be kept by the Directors for that purpose, nor until the person or persons making the same shall previously discharge all debts actually due by him, her or them to the Bank, which may exceed in amount the remaining stock (if any) belonging to such person or persons; and no fractional part or parts of a share or other than a whole share shall be assignable or transferable; and when any share or shares of the said Capital Stock shall have been sold under a writ of execution, the Sheriff by whom the writ shall have been executed shall, within thirty days after the sale, leave with the Cashier of the Bank an attested copy of the writ, with the certificate of such Sheriff indorsed thereon, certifying to whom the sale has been made, and thereupon (but not until after all debts, due by the original holder or holders of the said shares to the Bank, shall have been discharged as aforesaid,) the President, or Vice-President, or Cashier of the Bank, shall execute the transfer of the share or shares so sold to the purchaser, and such transfer, being duly accepted, shall be to all intents and purposes as valid and effectual in law, as if it had been executed by the original holder or holders of the said shares; any law or usage to the contrary notwithstanding.

Sale of shares under seizure.

21. The Bank may allow and pay interest not exceeding the legal rate in this Province, upon money deposited in the Bank; and in discounting promissory notes, bills, or other negotiable securities on paper, may receive or retain the discount thereon at the time of discounting or negotiating the same; and when notes, bills, or other negotiable securities or paper are *bonâ fide* payable at a place within the Province, different from that at which they are discounted, the Bank may also, in addition to the discount, receive or retain an amount not exceeding one half per centum on the amount of every such note, bill, or other negotiable security or paper, to defray the expenses of agency and exchange attending the collection of every such note, bill, or other negotiable security or paper; and the Bank may charge any note or bill held by and made payable at the Bank, against the deposit account of the maker or acceptor of such note or bill, at the maturity thereof; any law, statute or usage to the contrary notwithstanding; Provided always, that nothing herein contained shall alter or derogate in any wise from the restrictions imposed by the Act twenty-second Victoria, chapter eighty-five, intituled, *An Act to amend the Laws of this Province regulating the rate of interest.*

Bank may pay interest on deposits and retain discount on advances.

And premium in certain cases.

Charging notes against deposits accounts.

Proviso.

22 V. c. 85.

22. The said Bank shall not either directly or indirectly hold any lands or tenements (save and except such as by the first section of this Act they are specially authorized to acquire and hold), or any ships or other vessels, or any share or shares of the Capital Stock of the same, nor in any other Bank in this Province; nor shall the said Bank either directly or indirectly lend

In what business only Bank shall engage, and what species of property it may hold.

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lend money or make advances upon security, mortgage or hypothecation (*hypothèque*) of any lands or tenements, or of any ships or other vessels, nor upon the security or pledge of any share or shares of the Capital Stock of the Bank, or of any goods, wares or merchandize; nor shall the said Bank either directly or indirectly raise loans of money, or deal in the buying, selling or bartering of goods, wares or merchandize, or engage or be engaged in any trade whatever, except as dealers in gold and silver bullion, bills of exchange, discounting of promissory notes and negotiable securities, and in such trade generally as legitimately appertains to the business of banking; Provided always, that the said Bank may purchase, take and hold mortgages and hypothecs and assignments of mortgages and hypothecs on real and personal property in this Province, by way of additional security for debts contracted to the Bank in the course of their dealings.

Proviso.

Amount of advances to Directors limited.

23. The aggregate amount of discounts and advances made by the said Bank upon commercial paper or securities bearing the name of any Director or Officer, or the copartnership name or firm of any Director of the said Bank, shall not at any one time exceed one-twentieth of the total amount of discounts or advances made by the Bank at the same time.

Bonds, &c., of Corporation assignable by indorsement.

24. The bonds, obligations and bills obligatory and of credit of the said Bank, under its common seal, and signed by the President or Vice-President, and countersigned by a Cashier thereof, which shall be made payable to any person or persons, shall be assignable by indorsement thereon under the hand or hands of such person or persons, and of his, her, or their assignee or assignees, and so as absolutely to transfer and vest the property thereof in the several assignees successively, and to enable such assignee or assignees to bring and maintain an action or actions thereupon, in his, her or their own name or names; and signification of any such assignment by indorsement shall not be necessary, any law or usage to the contrary notwithstanding; and bills or notes of the Bank, signed by the President or Vice-President, and countersigned by a Cashier thereof, promising the payment of money to any person or persons, his, her or their order, or to the bearer, though not under the seal of the Bank, shall be binding and obligatory upon the same, in the like manner and with the like force and effect as they would be upon any private person or persons, if issued by him, her or them, in his, her or their private or natural capacities, and shall be assignable or negotiable in like manner as if they were so issued by such private person or persons; Provided always, that nothing in this Act contained shall be held to debar the Directors of the Bank from authorizing or deputing from time to time any Cashier or Officer of the Bank or any Director other than the President or the Vice-President, or any Cashier, Manager or local Director of a branch or office of discount and deposit of the said Bank, to sign, and any Cashier,

Proviso: other Officers may be appointed to sign notes.

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Cashier, Accountant or Book-keeper of the said Bank or of any branch or office of discount and deposit thereof, to countersign the Bills or Notes of the said Bank intended for general circulation and payable to order or to bearer on demand.

Recital.

25. And whereas it may be deemed expedient that the name or names of the person or persons intrusted and authorized by the Bank to sign bank notes and bills on behalf of the Bank, should be impressed by machinery in such form as may, from time to time, be adopted by the Bank, instead of being subscribed in the hand-writing of such person or persons respectively; And whereas doubts might arise respecting the validity of such notes: Be it therefore further declared and enacted, that all bank notes and bills of the Bank of Western Canada whereon the name or names of any person or persons intrusted or authorized to sign such notes or bills on behalf of the Bank, shall or may become impressed by machinery provided for that purpose by or with the authority of the Bank, shall be and be taken to be good and valid to all intents and purposes, as if such notes and bills had been subscribed in the proper hand-writing of the person or persons intrusted and authorized by the Bank to sign the same respectively, and shall be deemed and taken to be bank notes or bills in all indictments and civil or criminal proceedings whatsoever; any law, statute or usage to the contrary notwithstanding.

Signature to notes by machinery to be good and valid.

Notes to bear date and be payable at place of issue.

26. The notes or bills of the said Bank made payable to order or to bearer, and intended for general circulation, whether the same shall issue from the chief place or seat of business of the Bank or from any of its branches, shall bear date at the place of issue, and not elsewhere, and shall be payable on demand in specie at the same place of issue.

Suspension for sixty days to operate for failure of charter

27. A suspension by the said Bank (either at the chief place or seat of business, or at any of their branches or offices of discount or deposit at any other places in this Province,) of payment on demand in specie of the notes or bills of the said Bank, payable on demand, shall, if the time of suspension extend to sixty days, consecutively or at intervals, within any twelve consecutive months, operate as, and be a forfeiture of this Act of incorporation and all and every the privileges hereby granted.

Total amount of notes under £1 issued by Bank, limited.

No note under a dollar.

28. The total amount of notes or bills of the said Bank, being for a less sum than four dollars, current money of Canada, each, that shall be or may have been issued and put in circulation, shall not exceed at any one time one-fifth of the amount of Capital Stock of the Bank then paid in; Provided always, that no note under the nominal value of five shillings shall, at any time be issued or put into circulation by the Bank, nor shall any further limitation by the Legislature of the total amount of notes to be issued or re-issued by the said Bank, be held

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16 V. c. 162, to apply.

held to be any infringement upon the privileges hereby granted; Provided further, that the several provisions of an Act passed in the sixteenth year of Her Majesty's Reign, intituled, *An Act to encourage the issue by the Chartered Banks of this Province, of notes secured in the manner provided by the general Banking law*, shall be and are hereby declared to be applicable to the Bank established under this Act.

Total liabilities of Bank limited.

29. The total amount of the debts which the said Bank shall at any time owe, whether by bond, bill, note or otherwise, shall not exceed three times the aggregate amount of the capital stock paid in, and the deposits made in the Bank in specie and Government securities for money; and at no one period after the passing of this Act, shall the notes or bills payable on demand and to bearer, exceed the amount of the actually paid up Capital Stock of the Corporation, and the gold and silver coin and bullion and debentures or other securities reckoned at par, issued or guaranteed by the Government under the authority of the Legislature of this Province on hand, and in case of excess, the said Bank shall forfeit this Act of incorporation and all the privileges hereby granted; and the Directors under whose administration the excess shall happen shall be liable jointly and severally for the same, in their private capacities, as well to the shareholders as to the holders of the bonds, bills and notes of the Bank, and an action or actions in this behalf may be brought against them or any of them, and the heirs, executors, administrators or curators of them or any of them, and be prosecuted to judgment and execution according to law, but such action or actions shall not exempt the Bank, or their lands, tenements, goods or chattels from being also liable for such excess; Provided always, that if any Director present at the time of contracting any such excess of debt, do forthwith, or if any Director, absent at the time of contracting any such excess of debt do, within twenty-four hours after he shall have obtained a knowledge thereof, enter on the minutes or register of proceedings of the Bank, his protest against the same, and do, within eight days thereafter, publish such protest in at least one newspaper published in the County of Welland, such Director may thereby, and not otherwise, exonerate and discharge himself, his heirs, executors and administrators or curators, from the liability aforesaid, any thing herein contained, or any law to the contrary notwithstanding; And provided always, that such publication shall not exonerate any Director from his liability as a shareholder.

Penalty for excess.

Proviso: how a Director may avoid such responsibility.

Proviso.

Liability of Shareholders limited.

30. In the event of the property and assets of the Bank hereby constituted becoming insufficient to liquidate the liabilities and engagements or debts thereof, the shareholders of the Bank in their private or natural capacities shall be liable and responsible for the deficiency, but to no greater extent than to double the amount of Capital Stock held by them, that is to say: that the liability and responsibility of each shareholder shall

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shall be limited to the amount of his or her share or shares of the said Capital Stock, and a sum of money equal in amount thereto; Provided always, that nothing in this section contained shall be construed to alter or diminish the additional liabilities of the Directors of the Bank hereinbefore mentioned and declared.

Proviso.

31. Besides the detailed statement of the affairs of the said Bank, hereinbefore required to be laid before the shareholders thereof, at their annual general meeting, the Directors shall make up and publish on the first day of each month, in every year, statements of the assets and liabilities of the Bank in the form of Schedule B hereunto annexed, shewing under the heads specified in the said form, the average of the amount of the notes of the Bank in circulation and other liabilities, at the termination of each month, and the average amount of specie and other assets which, at the same time were available to meet the same; and it shall also be the duty of the Directors to submit to the Governor of this Province, a copy of each of such monthly statements, and if by him required to verify all or any part of the said statements, the said Directors shall verify the same, by the production of the monthly balance sheet from which the said statement shall have been compiled; And furthermore, the said Directors shall from time to time, when required, furnish to the said Governor of this Province, such further information respecting the state and proceedings of the Bank, and of the several branches and offices of discount and deposit thereof, as such Governor of this Province may reasonably see fit to call for; Provided always, that the monthly balance sheet, and the further information that shall be so produced and given shall be held by the said Governor of this Province, as being produced and given in strict confidence, that he shall not divulge any part of the contents of the said monthly balance sheet, or of the information that shall be so given; And provided also, that the Directors shall not, nor shall any thing herein contained be construed to authorize them or any of them to make known the private account or accounts of any person or persons whatever having dealings with the Bank.

Monthly statements of affairs to be published.

How verified.

Proviso: further information to be confidential.

Proviso: as to private accounts.

32. It shall not be lawful for the Bank at any time whatever, directly or indirectly, to advance or lend to, or for the use of, or on account of any foreign prince, power or State, any sum or sums of money, or any securities for money; and if such unlawful advance or loan be made, then and from thenceforth the said corporation hereby constituted shall be dissolved, and all the powers, authorities, rights, privileges and advantages hereby granted shall cease and determine, any thing in this Act to the contrary notwithstanding.

Bank not to lend money to foreign power.

33. The several public notices by this Act required to be given, shall be given by advertisement in one or more of the newspapers

How notices shall be given.

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newspapers published in the County of Welland, and in the *Canada Gazette*, or such other Gazette as shall be generally known and accredited as the Official Gazette, for the publication of official documents and notices emanating from the Civil Government of this Province.

Transfer of shares in Great Britain.

34. Shares of the capital stock of the Bank may be made transferable, and the dividends accruing thereon may be made payable in the United Kingdom, in like manner as such shares and dividends are respectively made transferable and payable at the Bank in the Town of Clifton, and to that end the Directors may from time to time make such rules and regulations, and prescribe such forms, and appoint such agent or agents as they may deem necessary.

Provision for proving transmission of shares otherwise than by regular transfer.

35. If the interest in any share in the said Bank become transmitted in consequence of the death or bankruptcy or insolvency of any shareholder, or in consequence of the marriage of a female shareholder, or by any other lawful means than by a transfer according to the provisions of this Act, the Directors may require such transmission to be authenticated by a declaration in writing as hereinafter mentioned, or in such other manner as the Directors of the Bank shall require, and every such declaration or other instrument so signed, made and acknowledged shall be left at the Bank with the Cashier or other Officer or Agent of the Bank, who shall thereupon enter the name of the party entitled under such transmission in the Register of Shareholders, and until such transmission shall have been so authenticated, no party or person claiming by virtue of any such transmission shall be entitled to receive any share of the profits of the Bank, nor to vote in respect of any such share or shares as the holder thereof; Provided always, that every such declaration and instrument as by this and the following section of this Act is required to perfect the transmission of a share of the Bank, and as shall be made in any other country than in this or some other of the British Colonies in North America, or in the United Kingdom of Great Britain and Ireland, shall be further authenticated by the British Consul or Vice Consul, or other the accredited representative of the British Government in the country where the declaration shall be made, or shall be made directly before such British Consul or other accredited Representative; And provided also, that nothing in this Act contained shall be held to debar the Directors, Cashier, or other officer or agent of the Bank from requiring corroborative evidence of any fact or facts alleged in any such declaration.

Proviso: if the declaration is made in a foreign country.

Proviso: further proof may be required.

If transmission be by marriage, &c

36. If the transmission of any share in the Bank be by virtue of the marriage of a female shareholder, the declaration shall contain a copy of the register of such marriage or other particulars of the celebration thereof, and shall declare the identity of the wife with the holder of such share; and if the transmission

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transmission have taken place by virtue of any testamentary instrument, or by intestacy, the probate of the will or the letters of administration, or of tutorship or curatorship, or an official extract therefrom, shall, together with such declaration, be produced and left with the Cashier or other officer or agent of the Bank, who shall then enter the name of the party entitled under such transmission in the register of shareholders.

How decision of Court as to title to shares shall be obtainable.

37. Whenever the interest in any share or shares of the Capital Stock of the said Bank shall be transmitted by the death of any shareholder or otherwise, or whenever the ownership of, or legal right of possession in any such share or shares, shall change by any lawful means other than by transfer according to the provisions of this Act, and the Directors of the said Bank shall entertain reasonable doubts as to the legality of any claim to and upon such share or shares of stock, then and in such case it shall be lawful for the said Bank to make and file, in the Court of Chancery for Upper Canada, a declaration and petition in writing addressed to the Chancellor of the Court, setting forth the facts and the number of shares previously belonging to the party in whose name such shares stand in the Books of the Bank, and praying for an order or judgment adjudicating and awarding the said shares to the party or parties legally entitled to the same, and by which order or judgment the Bank shall be guided and held fully harmless and indemnified and released from all and every other claim for the said shares or arising therefrom; Provided always, that notice of such petition shall be given to the party claiming such shares, who shall, upon the filing of such petition establish his right to the several shares referred to in such petition; and all other proceedings in such cases shall be the same as those observed in cases pending before the said Court of Chancery; Provided also, that the costs and expenses of procuring such order and adjudication shall be paid by the party or parties to whom the said shares shall be declared lawfully to belong, and such shares shall not be transferred until such costs and expenses be paid, saving the recourse of such party against any party contesting his right.

Proviso.

Proviso.

Bank not bound to see to execution of trusts to which shares may be subject.

38. The Bank shall not be bound to see to the execution of any trust, whether expressed, implied or constructive, to which any of the shares of the Bank may be subject; and the receipt of the party in whose name any such share shall stand in the Books of the Bank, or if it stand in the names of more parties than one, the receipt of one of the parties, shall, from time to time, be a sufficient discharge to the Bank for any dividend or other sum of money payable in respect of such share, notwithstanding any trust to which such share may then be subject, and whether or not the Bank shall have had notice of such trust; and the Bank shall not be bound to see to the application of the money paid upon such receipt; any law or usage to the contrary notwithstanding.

39.

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One tenth of capital paid up to be invested in debentures.

39. It shall be the duty of the Directors of the said Bank to invest, and to keep invested at all times in the Debentures of this Province, payable within the same, or of the Consolidated Municipal Loan Fund, one-tenth part of the whole paid up Capital of the said Bank, and to make a return of the numbers and amount of such Debentures, verified by the oaths and signatures of the President or Chief Cashier or Manager of the said Bank, to the Inspector General, in the month of January of each year, under the penalty of the forfeiture of the Charter of the said Bank in default of such investment and return; Provided always, that the said Directors shall not commence the ordinary business of Banking, until the sum of twenty thousand dollars shall have been invested in such Debentures.

Proviso.

Embezzlement, &c., by Bank Officers, to be felony.

40. If any Cashier, Assistant Cashier, Manager, Clerk or Servant of the said Bank shall secrete, embezzle, or abscond with any bond, obligation, bill obligatory or of credit, or other bill or note or any security for money, or any moneys or effects intrusted to him as such Cashier, Assistant Cashier, Manager, Clerk or Servant, whether the same belong to the said Bank, or belonging to any other person or persons, body or bodies politic or corporate, or institution or institutions, be lodged and deposited with the said Bank, the Cashier, Assistant Cashier, Manager, Clerk or Servant so offending, and being thereof convicted in due form of law, shall be deemed guilty of felony.

Punishment in such case.

41. Every person convicted of felony under this Act shall be punished by imprisonment at hard labor in the Provincial Penitentiary for any term not less than two years, or by imprisonment in any other Gaol or place of confinement for any less term than two years, in the discretion of the Court before which he shall be convicted.

Power to search for forged notes or machinery used for forging them.

42. It shall and may be lawful to and for any Justice of the Peace, on complaint made before him upon the oath of one credible person, that there is just cause to suspect that any one or more person or persons is or are or hath or have been concerned in making or counterfeiting any false bills of exchange, promissory notes, undertakings or orders of the said Bank, or hath in his possession any plates, presses or other instruments, tools or materials for making or counterfeiting the same, or any part thereof, by warrant under the hand of such Justice, to cause the dwelling house, room, workshop or out-house or other building, yard, garden or other place belonging to such suspected person or persons, or where any such person or persons shall be suspected of carrying on any such making or counterfeiting, to be searched; and if any such false bills of exchange, promissory notes, undertakings or orders, or any plates, presses or other tools, instruments or materials shall be found in the custody and possession of any person or persons whomsoever,

And if any are found.

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whomsoever, not having the same by some lawful authority, it shall and may be lawful to and for any person or persons whomsoever discovering the same, to seize, and he or they are hereby authorized and required to seize such false or counterfeit bills of exchange, promissory notes, undertakings or orders, and such plates, presses or other tools, instruments or materials, and to carry the same forthwith before a Justice of the Peace of the County or District, (or, if more convenient, of the adjoining County or District,) in which the same shall be seized, who shall cause the same to be secured and produced in evidence against any person or persons who shall or may be prosecuted for any of the offences aforesaid, in some Court of Justice proper for the determination thereof, and the same, after being so produced in evidence shall, by order of the Court, be defaced or destroyed, or otherwise disposed of as such Court shall direct.

43. This Act shall be and remain in force until the first day of January, which will be in the year of our Lord, one thousand eight hundred and seventy, and from that time until the end of the then next Session of the Parliament of this Province, and no longer. **Duration of Act.**

44. This Act shall be deemed a Public Act. **Public Act.**

SCHEDULE A

Referred to in the Twentieth Section of the foregoing Act.

For value received from , I, (*or* we,) of , do hereby assign and transfer unto the said shares, (on each of which has been paid dollars cents, amounting to the sum of dollars cents,) in the Capital Stock of the Bank of Western Canada, subject to the rules and regulations of the said Bank.

Witness my (*or* our) hand (*or* hands) at the said Bank, this day of , one thousand eight hundred and

(*Signatures.*)

I (*or* we) do hereby accept the foregoing assignment of shares in the Stock of the Bank of Western Canada, assigned to me (*or* us) as above mentioned, at the Bank, this day of , one thousand eight hundred and

(*Signatures.*)

SCHEDULE

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SCHEDULE B

Referred to in the Thirty-first Section of the foregoing Act.

Return of the Average Amount of Liabilities and Assets of the Bank of Western Canada, during the period from the first to , one thousand eight hundred and

LIABILITIES.

Promissory Notes in circulation not bearing interest... $
Bills of Exchange in circulation not bearing interest... $
Bills and Notes in circulation bearing interest..... $
Balances due to other Banks..... $
Cash deposits, not bearing interest..... $
Cash deposits, bearing interest..... $

Total average Liabilities..... $

ASSETS.

Coin and Bullion..... $
Landed or other property of the Bank..... $
Government Securities..... $
Promissory Notes or Bills of other Banks..... $
Balances due from other Banks..... $
Notes and Bills discounted..... $
Other debts due to the Bank, not included under the foregoing heads..... $

Total average Assets..... $

CAP. CV.

An Act to authorize an addition to the Capital of the Canada Landed Credit Company, and for other purposes therein mentioned.

[*Assented to 4th May*, 1859.]

Preamble.

22 V. c. 133.

WHEREAS the Canada Landed Credit Company, created and constituted by the Act passed in the twenty-second year of Her Majesty's Reign, chaptered one hundred and thirty-three, hath prayed for authority to increase its capital and for power to make certain regulations for the better management of the said Company, and it is expedient to grant the prayer of the said petition : Therefore, Her Majesty, by and with the advice and consent of the Legislative Council and Assembly of Canada, enacts as follows :

1.

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1. So much of the Act hereinbefore cited as may be inconsistent with or repugnant to the provisions of this Act, or as makes any provision in any matter provided for by this Act other than such as is hereby made, shall be and is hereby repealed.

Inconsistent provision of recited Act repealed.

2. It shall be lawful for the said Company to add to their present capital stock a sum not exceeding five hundred thousand dollars, and to raise such sum either by subscription among the present shareholders or by the admission of new shareholders, or partly in one way and partly in the other, which said sum of five hundred thousand dollars shall be divided into ten thousand shares of fifty dollars each; and every person subscribing for or taking any share or shares in such additional capital stock of five hundred thousand dollars shall have the same rights and be subject to the same rules and liabilities as the original subscribers and shareholders of the said Canada Landed Credit Company.

Increase of capital stock.

3. So much of the seventeenth section of the said Act as authorizes the Company to make calls upon the respective shareholders in respect of the amount of capital respectively subscribed or owing by them as they shall deem necessary, provided that no call exceed the amount of ten dollars per share and that the aggregate amount of calls made in one year do not exceed the amount of forty dollars per share, shall be and the same is hereby altered and amended so as that no call shall exceed the amount of five dollars per share, and that the aggregate amount of calls made in one year shall not exceed the amount of twenty dollars per share.

Amendment to 17th section as to amount of each call or of all the calls in one year.

4. The Proviso to the thirtieth section of the said Act is hereby repealed and the following substituted therefor: "Provided that the amount to be so raised by debentures shall at no time exceed one million of dollars, and that no loan shall be made by the Company to the amount of more than one half of the value of the property mortgaged therefor."

Increase of debenture capital.

5. The second annual general meeting of the Company shall be held in the City of Toronto on the first Wednesday in February, one thousand eight hundred and sixty, or the next following day or any other day to be appointed by By-law, and every subsequent annual general meeting shall be held on such day as may be appointed by By-law in every successive year thereafter; and at the said second and every subsequent annual general meeting the shareholders present as aforesaid, may, in addition to the election of six Directors in the place of those retiring by rotation, also elect from amongst the shareholders residing in England, three other Directors to form a permanent Board of management of the Company's affairs there.

Annual general meeting of the Company.

English Directors to be elected.

6.

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Election of President and Vice-President.

6. At the first meeting of the Board following each annual general meeting, the Directors present shall choose a President and Vice-President of the Company.

Extension of one year to five for holding land.

7. The Proviso at the end of the forty-second section of the said Act, that all real estate acquired by the said Company in virtue of the said Act except as therein mentioned, shall be sold and realized at public auction by the said Company at any period not later than one year from the acquisition of such real estate, shall be and the same is hereby altered and amended so as to extend the said period to the term of five years from the acquisition of such real estate.

Appointment of Treasurer.

8. So much of the forty-fourth section of the said Act as provides for the appointment of the Treasurer of the said Company by the shareholders in general meeting, shall be and the same is hereby altered and amended so as to vest the appointment of the said officer in the Board of Directors of the said Company.

Form of debenture amended.

9. So much of the form of debenture in Schedule E of the said Act, as provides for the payment of the principal sum named in such debenture at the Treasurer's office in Toronto, shall be and the same is hereby altered and amended so as to provide for the payment of the said sum either at the Treasurer's office in Toronto, or at the Company's Agent's in London.

Public Act.

10. This Act shall be deemed a Public Act.

CAP. CVI.

An Act to amend the Act for the Incorporation of the Saint Lawrence Warehouse, Dock and Wharfage Company.

[*Assented to 4th May*, 1859.]

Preamble.

20 V. c. 174.

WHEREAS it is desirable to amend the Act passed in the twentieth year of Her Majesty's Reign, intituled, *An Act to incorporate certain persons under the name of the St. Lawrence Warehouse, Dock and Wharfage Company:* Therefore, Her Majesty, by and with the advice and consent of the Legislative Council and Assembly of Canada, enacts as follows:

Number of Directors may be changed.

1. Instead of the number of Directors, in whom the property and administration of the affairs of the said Company are vested by the said Act, being limited to five, the same may be increased to any number not exceeding seven; provided that before the meeting of Stockholders at which the election of Directors is intended to take place, the Directors then in office shall, by resolution, fix the number of Directors, (not less than five, and not exceeding seven) to be elected at such meeting; and the number

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number so fixed and thereafter elected shall have all the powers, perform all the duties and be subject to all the liabilities which by the said Act attach to five Directors.

2. The President or presiding officer, at every meeting of the Directors of the said Company, shall have the same right to vote thereat as any other Director thereof; but in the event of a tie, he shall have a double or casting vote.

President, &c., may vote and give a casting vote also on a tie.

3. Notwithstanding any thing contained in the said Act, or in any other Statute of this Province, it shall be lawful for the said Corporation to charge such rate of commission upon advances made by them, and such rate of interest upon moneys hereafter becoming due to them, as may be agreed upon between them and the person or persons indebted to, or receiving advances from them; and for such commission and interest, they shall have the same powers, privilege and lien which are, by the said Act, conferred upon them for the security of such indebtedness or advances.

Company may charge any rate of commission and of interest on money hereafter becoming due to them.

4. This Act shall be deemed a Public Act.

Public Act.

CAP. CVII.

An Act to amend the Acts relating to the Guelph and Dundas Road Company.

[*Assented to 4th May*, 1859.]

Preamble.

WHEREAS the Corporations of the Counties of Wellington and Wentworth, by their respective Councils, now are, pursuant to the Act of the Parliament of this Province, passed in the Session thereof held during the tenth and eleventh years of Her Majesty's reign, chapter eighty-eight, intituled, *An Act to incorporate certain persons as the Guelph and Dundas Road Company*, and of the other Act of the said Parliament passed in the Session thereof held during the thirteenth and fourteenth years of Her Majesty's reign, chapter one hundred and thirty-three, intituled, *An Act to amend the Act intituled*, '*An Act to incorporate certain persons as the Guelph and Dundas Road Company*,' the holders of the whole of the shares of the capital stock of the said Company, and it is desirable to provide for a division of the ownership and control of the said road between them, and otherwise to amend the said Acts: Therefore, Her Majesty, by and with the advice and consent of the Legislative Council and Assembly of Canada, enacts as follows:

10, 11 V. c. 88.

13, 14 V. c. 133.

1. It shall be lawful for the Corporations of the Counties of Wellington and Wentworth, by their respective Councils, to agree between themselves for the division of the ownership and control of the Guelph and Dundas Road between them, by assigning to each of the said Corporations the portion of the said Road lying within its respective County.

The two Corporations may agree as to ownership of the Road.

2.

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Or if they cannot agree.

2. If they cannot so agree, it shall be lawful for either of them to obtain such division in manner following :

The division may be made by arbitration.

1. The terms thereof shall be settled by the award of three arbitrators, one to be appointed by each of the said Corporations, and the third by the other two, or if they cannot agree upon him, then by the Court of Chancery for Upper Canada, or by any Judge thereof ;

Agreement or award to be binding.

2. Such agreement or award, or that of any two of such arbitrators, as the case may be, shall be binding on all parties concerned.

Parts of the Road may be transferred to Townships.

3. From and after such division, it shall be lawful for either of the Corporations of the said Counties to sell and transfer to any Municipal Corporation in such County the ownership and control of the portion of the said Road lying within such County respectively ; Provided that if no Municipality in the County of Wentworth purchase the said Road within one year from the passing of this Act, it shall be lawful for the Municipal Council of the County of Wentworth to sell that portion of the Road lying within said County to any other corporate body or private individuals, as may be most conducive to the interests of the County.

Proviso.

Powers of Board of Commissioners to cease.

4. From and after such division, the powers of the Board of Commissioners constituted under the second of the above cited Acts, shall cease and determine, except as regards the winding up of unfinished business, for which purpose they shall continue while necessary.

Exception.

Their past Acts to be binding, &c.

5. The past acts, engagements and liabilities of the said Board shall be binding on their successors respectively, so far as regard the portions of the said Road held by such successors respectively.

Powers of each County Corporation after division.

6. From and after such division, the Corporation of each of the said Counties shall have the same powers over its respective portion of the said Road as are given in respect to the County Roads by the Municipal law of Upper Canada.

And of Townships after transfer.

7. From and after such transfer to any Municipal Corporation as aforesaid, such Corporation shall have the same powers over its respective portion of the said Road as are given in respect to Township Roads by the Municipal law of Upper Canada.

If a Road be transferred to a Company or an individual.

8. From and after such transfer by the County of Wentworth to any Road Company or individual, such Company or individual shall in regard to the portion of Road so transferred, possess the rights secured and be subject to the duties and liabilities imposed by the Act sixteenth Victoria chapter one hundred and ninety, and the Acts amending the same.

Public Act.

9. This Act shall be deemed a Public Act.

CAP.

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CAP. CVIII.

An Act to incorporate the "Bridge Company of Rivière du Loup, in the County of Maskinongé," and to authorize the said Company to erect a Toll-bridge over the Grande Rivière du Loup.

[*Assented to 4th May*, 1859.]

Preamble.

WHEREAS the construction of a toll-bridge, with a draw-bridge over the Grande Rivière du Loup, in the Parish of St. Antoine de la Rivière du Loup, in the County of Maskinongé, in the District of Three-Rivers, upon the line of the main street of the Village of the said parish, near the parish church, would greatly tend to promote the welfare and intercourse of the inhabitants of the said parish, and of the neighbouring parishes and townships, and of the public generally; And whereas Moïse Houde, Sueton A. Dame, Charles Martin, Pierre Béland, Edouard Caron, Léandre Lamothe, Louis Lamontagne, Narcisse Paillé, François Roy, Louis Bélanger, François Béliveau, Narcisse Beaulieu, Antoine Décoteau, Félix Ricard, Félix Laflèche, Louis Joseph Bourret, Ambroise Thetrault, Moïse Villeneuve, Antoine L. Augé, Louis Baribeau, J. B. Peltier, Désiré L. Augé, the Reverend J. Lebourdais, Priest, the Reverend J. Boucher, Priest, Antoine Arseneau, Charles L. Augé, Léon Terrien, Thomas Lamothe, Laurent Desaulniers, William Hastie, Pierre Bergeron, Maxime Picotte, Joseph Trépanier, Louis Cloutier, Hercule Gagnon, Abraham Caron, Hermine Leblanc, On. Lamontagne, Ludger Bellemare, Louis Benoit, François Lesage, Louis Caron, and Eugène Verboncœur, of the said Parish of St. Antoine de la Rivière du Loup, have, by a petition presented by them to the legislature, prayed to be incorporated by the name of the "Bridge Company of Rivière du Loup, in the County of Maskinongé," and to be authorized to construct a toll-bridge, with a draw-bridge over the said Grande Rivière du Loup, at the place above mentioned: Therefore, Her Majesty, by and with the advice and consent of the Legislative Council and Assembly of Canada, enacts as follows:

Certain persons incorporated.

1. The above mentioned persons, and their heirs, executors, curators, and assigns, together with all such other persons as are now or shall at any time hereafter become shareholders in the said bridge and toll-house and their appurtenances, and be associated with and members of the said Company, their heirs, executors, curators and assigns, shall be, and are hereby constituted and established, a body corporate and politic in fact and in name, by the name of the "Bridge Company of Rivière du Loup, in the County of Maskinongé;" and the said persons are hereby authorized to erect and construct, at their own cost and expense, a solid and sufficient toll-bridge, with a draw-bridge, over the said Grande Rivière du Loup, in the said

Corporate name and powers.

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Parish of St. Antoine de la Rivière du Loup, at the place aforesaid, and to erect and construct a toll-house and toll-gate, with approaches and other dependencies to or upon the said bridge; and also to do and execute all such other matters and things as shall be necessary, useful, or advantageous for erecting and constructing, keeping up and maintaining the said intended bridge, draw-bridge, toll-house, toll-gate, approaches, and other dependencies, according to the true intent and meaning of this Act; and the service of all suits, copies, documents, and judicial proceedings, upon the President of the said Company, shall be held to be legal and sufficient service.

Capital of Company and number of shares.

2. The capital of the said Company for the construction and erection of the said bridge, draw-bridge, toll-house, toll-gate, accessories, and other dependencies, and also to defray the preliminary expenses incurred and hereafter to be incurred, shall be four thousand dollars, divided into one hundred and sixty parts or shares of twenty-five dollars each; Provided always, that it shall be lawful for the President and Directors of the Company to increase the capital of the said Company by the sum of three thousand dollars; and the said shares shall be deemed personal and moveable estate; and as such shall be transferable by sale or otherwise by the shareholders in the said Company; and any party acquiring one or more of the said shares shall, on the production of a copy of his deed of acquirement to the Secretary-Treasurer of the said Company, to be deposited and kept among the records of the said Company, be considered as a shareholder in the said Company, and shall enjoy all the privileges and advantages conferred upon and granted by this Act to the other shareholders in the said Company; Provided always, that no person who shall acquire one or more shares in the said Company from a Director thereof, shall thereby be entitled to be a Director in the said Company without having been elected or appointed as such, in the manner prescribed by this Act.

Proviso: for increase.

Proviso.

First general meeting of Shareholders.

3. The first general meeting of the shareholders in the said Company shall be held on the second Monday of December immediately after the passing of this Act, at ten o'clock in the forenoon, in a house in the Village of the said Parish of St. Antoine de la Rivière du Loup, to be designated for that purpose, of which meeting notice shall be given at the door of the church of the said Parish, by the President or Secretary-treasurer of the said Company, and the said notice shall be read and posted up at the door of the said church at least seven days before such meeting, and shall state the place, day and hour at which such meeting shall take place; at which meeting the shareholders present, and the absent shareholders by their proxies, appointed in writing, shall choose among the said shareholders five Directors to manage the affairs of the said Company, who shall only remain in office as Directors until the next annual general meeting of the said shareholders, and at the said meeting the shareholders present, and the absent shareholders

By-laws of the Company, &c.

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shareholders by their proxies, may make and establish such by-laws, rules and regulations, as they shall deem expedient for the management and government of the affairs of the said Company, provided that they are not contrary to the laws of this Province, or to the provisions of this Act, and the said rules and regulations shall be entered in the minute-book of the said Company, and shall be as binding upon all the shareholders and all parties interested in the said Company as though they formed part of this Act, and shall be and remain in force until altered, amended, extended or repealed.

Present Directors to remain in office till first general meeting.

4. The present administrators of the affairs of the said Company, namely, the said Moïse Houde, Sueton A. Dame, Charles Martin, Pierre Béland, and Edouard Caron, shall be and they are hereby declared to be the Directors of the affairs of the said Company, but they shall only hold office till replaced by those chosen and elected at the first general meeting of the shareholders to be elected after the passing of this Act; and they shall have and exercise whilst so holding office, all and every the powers of the Directors to be chosen and elected at the said first general meeting, and they shall be subject to the duties, obligations, conditions and restrictions which are imposed upon their immediate successors by this Act; Provided always, that they may be chosen and elected Directors for the year following at the said first general meeting, and the said Directors hereinbefore named may make and establish such rules and regulations as they may deem necessary or useful for the management and government of the affairs of the said Company, provided that they are not contrary to the laws of this Province, nor to the provisions of this Act, and the said rules and regulations shall be entered in the minute book of the Directors of the said Company, and shall be binding so long as they remain in force, in the same manner as those to be made and established in virtue of the provisions of the third section of this Act, but they shall only remain in force until the first general meeting of the stockholders to be held after the passing of this Act; and the said Moïse Houde shall be and he is hereby declared to be President of the said Company, but he shall only hold office until the election of the Directors to be chosen and elected at the first general meeting of the shareholders to be held after the passing hereof.

Proviso.

Temporary regulations, &c.

Annual general meetings.

5. After the first meeting to be held as aforesaid, a general meeting of the shareholders in the said Company shall take place, at ten o'clock in the forenoon on the second Monday of December in every year, in a house in the village of the said Parish of St. Antoine de la Rivière du Loup to be designated for that purpose, to choose and elect other Directors in the place and stead of the Directors going out of office, and also to examine and transact the business of the said Company, and to modify, amend, alter, repeal, or extend the by-laws, rules and regulations of the said Company, or to substitute

 others

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others in lieu thereof, as may appear to them advantageous, which said meeting shall be called and held in the same manner as the first meeting as prescribed by the third section of this Act; Provided always, that the Directors going out of office may be re-elected for the following year, and as soon as possible after each election of Directors had at the first general meeting of the shareholders and at all subsequent general or special meetings, the said Directors shall proceed to elect a President of the said Company, who shall be chosen among the Directors elected, and shall hold office until the said Directors are all replaced or re-elected.

Proviso.

President, election of.

Failure to hold meeting not to operate a dissolution of Company.

6. Any failure to hold the first general meeting or any other meeting of the shareholders, or to elect Directors, or to choose and appoint a President, shall not dissolve the said Company, but such failure and omission shall and may be supplied by and at any special meeting of the shareholders to be called as the Directors may see fit to appoint, in conformity with the by-laws of the said Company, if any exist on that subject, or with an order which they shall make and give to that effect, if such by-laws do not exist, or by six shareholders of the said Company, by a notice to be given at the door of the church in the said Parish of St. Antoine de la Rivière du Loup, by the President or the Secretary-treasurer or six of the said shareholders, read and posted up for the time and in the manner prescribed for the first general meeting by the third section of this Act, which said notice shall set forth the objects for which such special meeting is called, and until the election of new Directors those who shall hold office for the time being shall continue in office and shall exercise all the powers and fulfil all the duties thereof until the said new election shall have been held as hereinbefore prescribed.

Report to be made by Directors.

7. The Directors shall, at every general annual meeting of the shareholders, make a report in writing upon the condition of the said bridge, toll-house, toll-gate, accessories and other dependencies, or of the works in progress for their construction, before they are entirely completed, and containing any suggestions which they may think proper to offer, together with a detailed statement of the finances of the said Company, showing the receipts and expenditure and accompanied by vouchers, which said account shall, if the general meeting think proper, be submitted to one or three auditors, to be in such case appointed by the said meeting, to be examined and reported upon at a special meeting of the shareholders, to be called and held like any other special meeting of the said shareholders in the manner hereinafter prescribed, and, in default of an annual general meeting, such report and account and vouchers shall be presented at the special meeting of the shareholders to be held for the election of Directors, and the shareholders at such special meeting shall, if they think proper, appoint one or three auditors for the purposes above mentioned.

Its audit.

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8. It shall be lawful for the Directors, by an order passed to that effect at any one of their meetings, or for six shareholders of the said Company, if they think necessary or expedient, to call special meetings of all the shareholders by notice given at the door of the parish church of the said parish of St. Antoine de la Rivière du Loup by the President or Secretary-Treasurer, or six of the said shareholders, read and posted up at the time and in the manner prescribed for the first general meeting by the third section of this Act, which said notice shall set forth the objects for which such special meeting is called. Special meetings.

9. All the special meetings of the shareholders shall be held in a house in the village of the said parish of St. Antoine de la Rivière du Loup, which shall be designated in the notice, and all the general and special meetings of the shareholders shall be presided over by the President of the Company, and, in his absence, by a temporary President to be chosen by a majority of the votes present at such meeting, and the Secretary-Treasurer shall act as Secretary at all general or special meetings of the shareholders, and, in his absence, a temporary Secretary shall be appointed by the said meeting by the majority of votes thereat. Where they shall be held.

10. On all occasions upon which the votes of the shareholders are to be given or taken, each shareholder shall have as many votes as he holds shares in the capital stock of the said Company, counting one vote for each share; any shareholder may vote by proxy if he desires so to do, provided that his proxy be furnished with a written authority for that purpose, and that he is himself a shareholder in the said Company, and not otherwise, and every such authority shall be and remain deposited in the archives of the said Company; every question, election and appointment whatsoever, shall be decided by the majority of votes; and, in case of equal division, the President shall have a casting vote in addition to the votes which he may have and give as a shareholder. Scale of votes of Shareholders.

11. Two registers shall be kept, in one of which shall be recorded all the proceedings and deliberations of the general and special meetings, and in the other all the proceedings and deliberations of the meetings of the Directors of the said Company, and the *procès verbal* of each meeting shall be signed in the register by the person who shall have presided at such meeting, and also by the person who shall have acted as Secretary, and there shall also be kept another register in which shall be entered all the reports and accounts presented by the Directors at the general or special meetings of the shareholders, and each report and account so entered shall be certified and signed by the Secretary-Treasurer of the Company. Two Registers of Shareholders to be kept.

12. The Directors appointed or elected as aforesaid shall choose a Secretary, who shall at the same time be the Treasurer, but Secretary.

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but shall not be one of the Directors; and the said Directors shall require good and sufficient security from the said Secretary-Treasurer, whom it shall be lawful for them to remove at their will and pleasure, and the said Directors so appointed, three of whom shall form a quorum including the President, shall exercise all the powers vested in them, and fulfil all the duties imposed upon them by this Act and by the laws, rules, regulations and orders made, passed and given at the general or special meetings of the shareholders; Provided always, that no Director shall have more than one vote at the meetings of the said Directors, and in case of an equal division, the President shall have the casting vote.

Quorum of Directors.

Proviso: casting vote.

Place of meeting.

President.

13. All the meetings of the Directors shall be held at the place which they shall fix for that purpose, and they shall be presided over by the President of the said Company, and in his absence by a temporary President to be chosen from among the Directors present by a majority of votes; in the absence of the Secretary-Treasurer from any meeting of the Directors, a temporary Secretary shall be appointed in his place by a majority of the votes of the Directors present; but no Director shall be the temporary Secretary; The Directors may at their meetings make By-laws, rules and orders for fixing and regulating the periods and holding of their meetings, the manner in which the business shall be conducted thereat, and respecting the duties and conduct of the Secretary-Treasurer, of the temporary Secretary and of the agents, officers, keepers and servants of the Company, provided that they shall not be contrary to the laws of this Province nor to this Act, nor to the rules, by-laws and orders to be made, passed and given at the general and special meetings of the shareholders, which rules, by-laws and orders so by them made, they may change, amend, extend, modify or repeal, as they may think proper.

By-laws to be made by Directors.

Vacancies among Directors how filled.

14. The Directors shall have power to appoint at their meetings and by a majority of votes, Directors from among the shareholders in the place of those who have died or resigned their office, or become incapable of acting from sickness, infirmity, or any other cause whatsoever, and the Directors so appointed shall not remain longer in office than those whom they replace would have done; and if the President of the Company dies, resigns his office as Director or President, or becomes incapable of acting, the Directors shall choose another from among the Directors in the manner prescribed for the choice of a President by the fifth section of this Act, and the President so chosen shall only hold office so long as his predecessor would have done.

Duties of Secretary-Treasurer.

15. The Secretary-Treasurer shall be the depositary and keeper of all the registers, books, titles, papers, documents and archives of the said Company, and he shall be present at all general or special meetings of the shareholders, and at all meetings

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meetings of the Directors,—make and prepare minutes of such meetings and enter them in the registers, and also all other papers and documents, reports and accounts which ought to be entered,—prepare all writings for the President and the Directors of the Company,—prepare, publish and issue all notices and certify the same, render obedience to the President and Directors and execute their orders and injunctions,—fulfil and execute all the duties required of him by this Act and by the rules, by-laws and orders which shall be made, passed and given at the general and special meetings of the shareholders and at those of the Directors, collect and receive all moneys due and payable to the said Company for and on account of the shares in the capital stock of the said Company, or for tolls or otherwise, keep the same or deposit it as he may be ordered or directed in the place or manner prescribed to him, make payments to those entitled thereto and as he may be directed and not otherwise, and render accounts of the moneys received, disbursed, and in hand, and of moneys due to the Company, in the manner and at the periods prescribed to him; and the President or any two Directors may, whenever they think proper, inspect and count the moneys in the hands of the said Secretary-Treasurer.

Payment of instalments.

16. It shall be lawful for the said Directors to meet at all times and at such meetings to direct such instalments to be paid on the shares as they shall require, in order to meet the expenses of the said Company; Provided that no such instalment shall exceed five dollars for each share, and provided also that no instalments shall be made payable within less than one month from each other; and no instalment shall be demanded unless eight days' notice thereof shall be given at the door of the church of the said parish of Saint Antoine de la Rivière du Loup, on a Sunday or Holy-day; and all such instalments shall be paid into the hands of the Secretary-Treasurer, at such times and places as shall be ordered by the said Directors, under the restrictions above mentioned, and if any of the said instalments shall not be paid at the time required for the payment thereof, it shall be lawful for the President of the said Company, in the name of said Company, to sue such shareholders as shall not have paid the amount of their instalments, before any court of competent jurisdiction, and to institute all such legal proceedings as shall be necessary to secure the payment of all sums due to the said Company; and the shares of all such shareholders as shall be sued and against whom judgment shall be recovered, shall be liable to seizure and sale for the satisfaction of the said judgments in the same manner as their other goods and chattels, and as in ordinary actions; Provided always, that in any action for the recovery of any instalment due, or of any balance due upon any instalment, it shall not be necessary to set forth the special matter in the declaration, but it shall be sufficient to allege that the defendant is the holder of one or more shares in the stock of the said Company, (stating the number of shares,) and

Notice to be given.

Proviso: as to actions for their collection: what only need be alleged and proved.

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and that he is indebted to the Company in the sum of money to which the instalments in arrear shall amount, (stating the number and amount of such instalments,) whereby an action hath accrued to the Company by virtue of this Act; and it shall be sufficient to maintain the said action, to prove by one witness that the defendant, at the time of making such call, was a holder to the number of shares mentioned in the declaration, and that a demand was made and notice thereof given, in conformity with the above mentioned requirements, or of any other By-laws which shall have been made for that purpose by the said Company; and it shall not be necessary to prove the appointment of the said Directors, nor of the Secretary-Treasurer, nor any other matter whatsoever, in order to obtain judgment in favor of the said Company.

Stock books to be opened.

17. There shall be opened, from time to time, a book of subscription for shares in the capital stock of the said Company, in which shall be inscribed the name, calling and residence of each stockholder, and the number of shares taken by each, and if such book already exists, and such shares have been taken before the passing of this Act, such book and such shares shall be considered and held to all intents and purposes whatsoever, as having been made and taken in conformity with the provisions of this Act, and shall be obligatory upon those concerned.

Transfer of shares.

18. The shares in the capital stock of the said Company shall be assignable by the delivery of the certificates to be issued to the proprietors of shares and by transfer in the form to be established by a By-law of the said Company, and by such assignment the party accepting it shall thenceforth become, with regard to such share or shares, a member of the said Corporation, with the same rights and privileges and subject to the same duties, charges and obligations as the other members or shareholders of the Company, but no such transfer shall be valid or effectual unless all the calls on the shares so transferred have been wholly paid, and unless such transfer has been approved and accepted by the Directors at one of their meetings, and every transfer so approved and accepted shall be entered in the subscription or stock book of the said Company, or in any other book kept for that purpose.

All calls must have been paid up.

Dividends.

19. The Directors shall declare and pay dividends whenever the revenues of the said Company permit thereof, upon such conditions, at the periods and in the manner established by the rules and By-laws of the Company, but no dividend shall be declared or paid before all the debts of the Company have been discharged.

Shareholders' liability limited.

20. No shareholder or member of the said Company shall be individually or personally responsible or liable for any debts, engagements, or losses of the said Company beyond the amount of his shares of the stock of the said Company.

21.

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21. It shall be the duty of the Directors to appoint as many agents, officers, keepers and servants as they shall deem expedient for the interests of the said Company, and to fix their salaries and remunerations, and also those of the Secretary-Treasurer, if they think proper to allow any to that officer, and to make all contracts and payments for the purposes of the said Company, and to do all other things necessary for the management and transaction of its affairs,—to answer in the name of the said Company in all suits at law,—to plead to the same,—to agree upon *experts* or arbitrators,—to transact, compromise, and generally to do whatever they may deem necessary or advantageous for the said Company; Provided that they shall not act contrary to the provisions of this Act nor to the rules, By-laws and orders of the said Company.

Appointment of officers, servants, &c.

Proviso.

22. It shall be the duty of any person who shall cease to be or to act as Secretary-Treasurer to the said Company, to deliver over without delay to the President thereof, all books, registers, papers, records, documents and other property which he may have in his possession, belonging to the said Company; and on his neglect or refusal to deliver over the same to the said President, he shall be liable to the said Company in the sum of twenty-five pounds currency, and for all damage which he may have caused, and shall be bound to deliver all the said books, registers, papers, records, documents and other property, and to pay the costs, for the recovery of which, together with the said sums, damages and costs, the President, in the name of the said Company, may sue by one and the same action, or by more than one if he thinks proper, before any Court of competent jurisdiction, and may cause the said books, registers, papers, records, documents, and other property to be at the same time seized by *saisie revendication.*

Secretary-Treasurer retiring from office.

23. For the purpose of erecting and building the said bridge, toll-house, toll-gate, approaches, accessories, and other dependencies, and of opening an easy communication by means of the said bridge between the public highways passing on each side of the Grande Rivière du Loup, the said Company shall have full power and authority to take and acquire the lands necessary therefor on each side of the said river, paying to the proprietors the value thereof, which said value shall be established in the following manner: the Company and the proprietor of the land shall each appoint an *expert* in the ordinary manner, who shall not be an interested party, and upon failure by such proprietor to appoint one, the Mayor of the Parish of Ste. Anne d'Yamachiche, or of the Parish of La Pointe du Lac, in the County of St. Maurice, shall appoint one in his place who shall not be an interested party, and the said two *experts* in case of difference of opinion between them, shall appoint a third, who also shall not be an interested party; the *experts* and the third *expert* also, if such be appointed, shall make oath before a Justice of the Peace to discharge their duty faithfully

Company may acquire lands, &c.

Arbitration in case the Company and the owners of land cannot agree.

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faithfully and impartially, and shall then forthwith proceed to make the said valuation and report thereon, by Act before Notaries or otherwise; the said Company shall then pay to the proprietor the amount of the said valuation, or tender the same to him, and may then, whether the amount have been accepted or refused, take possession of the land and convert it to the use of the Company without waiting for the transfer thereof to be made by the proprietor or otherwise; and the said Company may also from time to time, and when they shall require so to do, occupy any land or lands on either side of the said river, and make use thereof for carting, depositing, and working up materials and other things necessary for the erection, renewal, repair, and maintenance of the said bridge, toll-house, toll-gate, accessories, and other dependencies of the said bridge, causing as little damage as possible, and paying a just and reasonable compensation for the damage so caused and for the occupation of the said lands.

Elevation of arches of the bridge.

24. The elevation of the arches shall be fifteen feet or more above high water mark, with a space of not less than forty feet between the abutments and the piers and between the piers, if there are more than one, for the passage of vessels and rafts; and the passage of the draw-bridge shall not exceed sixteen feet in width, and shall be placed in the most convenient arch as regards the depth of water.

The bridge, &c., vested in Company for ever.

25. The said bridge and the said toll-house, toll-gate, and dependencies to be erected thereon, or near thereto, and also the ascents or approaches to the said bridge, and all materials of whatever description which shall be from time to time found or provided, for erecting, building, or maintaining and repairing the same, shall be vested in the said Company for ever;

Proviso: Her Majesty may assume the property, &c.

Provided that after the expiration of fifty years from the passing of this Act, it shall and may be lawful for Her Majesty, her heirs and successors, to assume the possession and property of the said bridge, toll-house, toll-gate, and dependencies, and the ascents and approaches thereto, upon paying to the said Company the full and entire value which the same shall, at the time of such assumption, bear and be worth;

Proviso: and so may the Municipality.

Provided always, that it shall be lawful for the Municipal Council of the said Parish of St. Antoine de la Rivière du Loup at any time to assume the possession and property of the said bridge, toll-house, toll-gate, accessories and other dependencies, and of the ascents and approaches to the said bridge, upon paying to the said Company the full and entire value which the same shall at the time of such assumption, bear and be worth,

Arbitration if the Company and the Municipality do not agree.

which said value shall be established by disinterested *experts*, one of whom shall be appointed by the said Municipal Council and another by the Company, and in case of difference of opinion between the said *experts*, they shall appoint a third, and the decision given by the majority shall establish the said value; but from the time of such assumption and thenceforth forever, the said bridge

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bridge shall become and be a free bridge, and it shall not be lawful to exact any toll for crossing or passing the same; And the said bridge shall thenceforward be under the control of the said Municipal Council, who are hereby specially authorized, if they think proper, to raise the moneys required both for the purchase of the said bridge and its dependencies and for their maintenance and repair, and this, in accordance with the provision of the Municipal Act then in force in this Province; But before any such proceeding or By-law on the part of the said Municipal Council shall have force and effect, it shall be submitted for the approval of the Municipal Electors of the said Municipality, and be approved by the votes of the majority thereof. Proviso.

26. When and so soon as the said bridge shall be erected and built, and made fit and proper for the passage of travellers, carriages, horses and cattle, and the same shall have been published at the doors of the Church of the said Parish of St. Antoine de la Rivière du Loup, it shall be lawful for the said Company, from time to time and at all times, to ask, demand, receive, take, sue for and recover, to and for their own proper use, benefit and behoof, for pontage, as or in the name of a toll or duty, before any passing over the said bridge shall be permitted, the several sums following, that is to say: Tolls to be taken by the Company.

For every carriage or other four-wheeled vehicle drawn by two horses, six pence currency;

For every four-wheeled vehicle drawn by one horse, three pence currency;

For every cart, calèche, or other two-wheeled vehicle, and for every winter vehicle drawn by one horse, two pence currency;

For every additional beast of draught, one penny currency;

For every horse, ass or mule, with its rider, two pence currency;

For every horse, mare, stallion, ass or mule, ox, bull, cow, or other horned animal, one penny currency;

For every sheep, calf, lamb, goat or pig, one half penny currency;

For every person on foot, one half penny currency.

27. It shall be lawful for the Directors of the said Company whenever they think proper to do so, to take and receive commutation for the year, or for any shorter period, for passing and re-passing over the said bridge, at a fixed and total sum, to be Company may commute with any party for the tolls.

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be agreed upon by them and each person so commuting for the whole period of the commutation; but if such Company makes Rules and By-laws in that respect, whether they prohibit such commutations or allow them, and fix the rate at which they may be effected, and the period and conditions thereof, then the Directors shall be bound to conform thereto.

Exemption from tolls in certain cases.

28. Provided also, that no person, horse or carriage, employed in conveying a mail or mails, or letters, documents or papers, under the authority of Her Majesty's Post Office, nor the horses or carriages, laden or unladen, and drivers, attending officers and soldiers of Her Majesty's Forces, or of the Militia whilst upon their march or on duty, nor the said officers or soldiers, nor any of them, nor carriages or drivers, guards or peace officers or their assistants sent with prisoners of any description, as well going as coming, provided they are not otherwise loaded, shall be chargeable with any toll or rate whatsoever, and shall not pay the same; Provided also, that it shall and may be lawful for the said Company to diminish the said tolls, or any of them and afterwards if they see fit, again to augment the same or any of them, so as not to exceed in any case the rates by this Act authorized to be taken; Provided also, that the said Company shall affix and keep affixed in some conspicuous and accessible place at or near the said Toll-gate, or upon the said bridge, a table of the rates payable for passing over the said Bridge, and as often as such rates shall be diminished or increased, they shall cause such change to be posted up in the manner aforesaid.

Proviso.

Proviso.

Tolls vested in the Company.

Proviso: if Her Majesty assumes the property.

29. The said tolls shall be, and the same are hereby vested in the said Company forever; Provided that if Her Majesty shall, in the manner hereinbefore mentioned, after the expiration of fifty years from the passing of this Act, assume the possession and property of the said bridge, toll-house, toll-gate, and dependencies, and the ascents and approaches thereto, then the said tolls shall, from the time of such assumption, appertain and belong to Her Majesty, Her Heirs and Successors, who shall from thenceforward be substituted in the place and stead of the said Company for all and every the purposes of this Act.

Company bound to open draw-bridge when required.

30. The said Company, their agents, toll collectors, keepers or others representing them, or having charge of the said bridge, shall be bound at all times, upon notice and verbal application to that effect, to open within a reasonable time, not exceeding one hour, the passage of the said draw-bridge, without being entitled to ask or exact any toll, money, fee or reward whatsoever, so as to allow and give free passage to each and every boat or vessel, or raft, having one or more masts, navigating the said Grand Rivière du Loup, under a penalty of not less than five or more than fifty shillings, currency, for each and every failure so to do, to be recovered from the said Company or

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or their agents, toll collectors, keepers or others representing them, or having such bridge in charge, who shall have made such default, with costs of suit by the person or persons who shall have suffered damage by such default, without prejudice to the damages which may have been caused by the neglect or delay to open the said passage, and for which the Company shall be responsible; Provided always, that the said Company, their agents, toll collectors, keepers or others representing the said Company, and having charge of the said bridge, shall not be bound to open the said passage or cause it to be opened for any boat, vessel or raft, the mast or masts of which are moveable and can be unshipped or lowered so as to enable them to pass under the said draw-bridge. Proviso.

31. If any person shall forcibly pass through the said toll-gate, or over or upon the said bridge without paying the requisite toll, or shall interrupt or disturb the said Company, or any person or persons employed by them in building, constructing, renewing or repairing the said bridge, toll-house, toll-gate, accessories or other dependencies, approaches, ascents, roads or avenues leading thereto, or shall interrupt or disturb the said Company or any person or persons employed by them in keeping the said bridge or appurtenances hereinbefore mentioned, or in demanding or collecting the tolls for passing or repassing thereon, or who shall at any time pass on the said bridge at a rate faster than a walk, or shall drive his horse, ass, mule, horned cattle or other animal at a rate faster than a walk, every person so offending shall incur in each of the cases above mentioned and for each offence, a fine of not less than ten shillings nor more than forty shillings currency, or shall be imprisoned in the common gaol of the district of Three-Rivers for a period not exceeding ten days. Penalty on persons passing without paying or disturbing the Company.

32. As soon as the bridge shall be passable and opened for the use of the public, no person or persons, Company or Companies whatsoever shall erect, or cause to be erected, any bridge or bridges, for the passage of any person, cattle or carriage whatsoever, for hire across the said Grande Rivière du Loup, within the distance of one and a half miles above and one and a half miles below the said bridge, measuring along the banks of the said river, and following its windings; and if any person or persons, Company or Companies, shall erect a toll-bridge or toll-bridges over the said river, within the said limits, they shall pay to the Company hereby incorporated, treble the tolls hereby imposed for the persons, cattle, horses and carriages which shall pass over such bridge or bridges; But this Act shall in no way affect the bridge now existing within the limits aforesaid, in so far as regards its existence, maintenance, repair or renewal as a free bridge. No new bridge to be erected within a certain distance. Exception.

33. If any person shall maliciously pull down, burn, destroy, break or injure the said bridge or any part thereof, or the toll-gate, Damage, &c., to bridge, how punished.

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toll-gate, toll-house or other dependencies, or the approaches, ascents, avenues and roads leading thereto, to be erected and made by virtue of this Act, every person so offending and thereof legally convicted, shall be deemed guilty of felony, and punished accordingly.

Bridge to be erected within four years.

34. The said Company, to entitle themselves to the benefits and advantages to them by this Act granted, shall, and they are hereby required to erect and complete the said bridge, draw-bridge, toll-house, toll-gate and dependencies, approaches, ascents, avenues and roads to the said bridge, within four years from the day of the passing of this Act; and if the same shall not be completed within the term last mentioned, so as to afford a convenient and safe passage over the said bridge, the said Company shall cease to have any right, title or claim of, in or to the tolls hereby imposed, if Her Majesty think proper to collect them for the requirements of the Province; and in such case the said Company shall not, by the said tolls, or in any other manner or way, be entitled to any re-imbursement of the expense they may have incurred in and about the building of the said bridge; and in case the said bridge, after it shall have been erected and completed, shall at any time become impassable or unsafe for travellers, carriages, cattle or animals, the said Company shall and they are hereby required, whenever the said bridge shall, by the Court of Queen's Bench, in the exercise of its criminal jurisdiction in the district of Three-Rivers, or by the Court of General or Quarter Sessions of the Peace in and for the district of Three-Rivers, be declared and found to be impassable or unsafe, and notice to that effect shall have been given to them by order of the Court, which shall have taken cognizance thereof, forthwith to cause the same to be made safe and commodious for the passage of travellers, cattle and carriages; and if the said bridge be not so forthwith repaired or rebuilt as the case may require, then the said bridge, or such parts thereof as shall be remaining, shall be and be taken and considered to be the property of Her Majesty, and the said Company shall cease to have any right, title or claim in or to the said bridge, or to the remaining parts thereof; and the tolls hereby granted, and their and each and every of their rights in the premises, shall be wholly and for ever determined.

In case bridge becomes dangerous.

How penalties shall be recovered and levied.

35. The penalties hereby inflicted shall be recovered and levied upon complaint made by the said Company, or by the persons interested, before any one or more of the Justices of the Peace for the said district of Three-Rivers, upon satisfactory proof of the commission of the offence, either by the confession of the offender, or by the oath of one or more credible witness or witnesses (which oath such Justice is hereby empowered and required to administer), with costs of suit, by distress and sale of the goods and chattels of such offender, by order or warrant signed by such Justice or Justices of the Peace, and

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and the overplus, after such penalties and the charges of such distress and sale are deducted, shall be returned to the offender, and such penalties shall belong to those who shall have sued for the same, and shall be paid to them.

36. The words "by-laws of the Company," or "rules and by-laws of the Company," or "rules, by-laws or orders of the Company," or "by-laws," or "rules and by-laws," or "rules, by-laws or orders made by the Company," shall be taken to mean the rules, by-laws or orders made or passed at general or special meetings of the shareholders of the said Company, and the rules and by-laws made and passed by the directors of the said Company, in virtue of the fourth section of this Act. Interpretation.

37. This Act shall be deemed a Public Act. Public Act.

CAP. CIX.

An Act to amend the Act incorporating the Cobourg Manufacturing Company, and to increase the Capital Stock thereof.

[*Assented to 4th May*, 1859.]

WHEREAS the persons incorporated as the Cobourg Manufacturing Company, by the Act passed in the ninth year of Her Majesty's reign, chapter ninety-four, have failed to carry the same into effect, and Patrick Wallace, John S. Wallace, Lewis Moffat, John D. Armour and Henry Mackechnie, have by their petition prayed that the said Act may be revived and amended, and the capital stock of the said Company increased, and that they may be permitted to carry the said Act so amended into effect, and it is expedient to grant the prayer of such petition: Therefore, Her Majesty, by and with the advice and consent of the Legislative Council and Assembly of Canada, enacts as follows: Preamble. 9 V. c. 94.

1. The first section of the said recited Act is amended, so that the said Patrick Wallace, John S. Wallace, Lewis Moffat, John D. Armour, Henry Mackechnie and such other person or persons as shall be associated with them, under the provisions of the said Act or of this Act, and their several and respective successors, executors, trustees, administrators and assigns, shall hereafter form the said "Cobourg Manufacturing Company," as therein provided. Petitioners and their associates to form the said Company.

2. The third section of the said Act is hereby amended so far as to permit the said Company to invest so much of their Capital as they may deem expedient for the transaction of their business and for the purposes of the said Company, in real estate; Company may invest part of their funds in real estate.

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estate; provided always that no such real estate shall be held by the said Company, otherwise than for the conduct of the manufacturing operations of the same thereon.

Capital increased and shares reduced.

3. The fourth section of the said Act is hereby amended by increasing the capital stock of the said Company to two hundred and fifty thousand dollars and reducing the shares to twenty-five dollars each.

Reduction of shares.

4. The fifth section of the said Act is hereby amended so far as regards the subscription of shares, which are by this Act reduced to twenty-five dollars each.

Non-liability of Directors.

5. The fourteenth section of the said Act is hereby amended, so that the liability thereby imposed on the Directors of the said Company (except in the case of their own neglect or default) shall not exceed double the amount of their subscribed stock therein.

Number of Directors reduced.

6. The sixteenth section of the said Act is hereby amended, so that the number of Directors shall be five instead of seven, as therein provided.

When the business may be commenced.

7. The nineteenth section of the said Act is hereby amended so that so soon as fifty thousand dollars of the said stock have been subscribed and one half thereof has been paid up, the said Act and this Act shall take effect.

The said Act revived.

8. The said Act as hereby amended is revived and shall be in full force and effect, as if herein repeated and re-enacted.

Public Act.

9. This Act shall be deemed a public Act.

CAP. CX.

An Act to incorporate the Collingwood Cotton Manufacturing Company.

[*Assented to 4th May*, 1859.]

Preamble.

WHEREAS John Lyall, William Basil Hamilton and Charles Macdonald, have, by their petition, prayed for a Charter of Incorporation by the name of *The Collingwood Cotton Manufacturing Company*, for the Spinning and Manufacturing of Cotton and Cotton goods, at the Town of Collingwood, in the County of Simcoe, and it is desirable to grant their prayer: Therefore, Her Majesty, by and with the advice and consent of the Legislative Council and Assembly of Canada, enacts as follows:

Company incorporated.

1. The persons aforesaid, and all such other persons as shall become Shareholders in the said Company, shall be and are hereby constituted a body politic and corporate under

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under the name of the "Collingwood Cotton Manufacturing Company," and shall by that name have perpetual succession and a Common Seal, and by the same be capable of suing and being sued in all Courts of Justice in this Province, and shall by that name be authorized and empowered to carry on the business of Spinning and Manufacturing Cotton and Cotton fabrics in all or any of its branches, and to establish and carry on works for such spinning and manufacturing, or either of them, and shall for such purpose be authorized to purchase, hold and use such land and such water-power as may be necessary for properly carrying on such business, and also to erect and maintain the necessary buildings, machinery and apparatus therefor.

Corporate name and purposes for which the Company is incorporated.

2. The Capital Stock of the Company incorporated by this Act shall not exceed the sum of two hundred thousand dollars, unless increased in the manner hereinafter provided, and shall be composed of shares of forty dollars each; but it shall be lawful for the Company to commence business and exercise any of the powers given by this Act as soon as the sum of sixty thousand dollars of the Stock of the Company shall have been paid in; and any shares remaining unsubscribed for at the time of the first election of Directors shall be disposed of thereafter in such manner as the Stockholders shall at any general meeting determine; Provided always, that the whole of such Capital Stock of two hundred thousand dollars shall be paid in within five years from the time of such commencing of business, on pain of forfeiture of the Charter of the Company.

Capital.

Shares.

When the Company may begin business.

Proviso: the whole stock to be paid in five years.

3. It shall be lawful for the said Company to lay out and invest their capital in the first place, in paying and discharging all expenses incurred in applying for and obtaining this Act, and the preliminary expenses attending the establishment of the said Company, and the remainder, or so much thereof as may from time to time be deemed necessary, for and towards carrying out the objects of this undertaking, as hereinbefore mentioned.

Application of the capital.

4. The said John Lyall, William Basil Hamilton and Charles Macdonald, together with John McMurrich, Thomas Dick and Frederick W. Cumberland, shall be and are hereby constituted and appointed the first Directors of the said Company, and shall hold their office until others shall, under the provisions of this Act, be elected by the Shareholders, and shall, until that time, constitute the Board of Directors of the said Company, with power to open Stock Books and make calls on the shares subscribed in such Books, and shall call a meeting of subscribers for the election of Directors in the manner hereinafter provided.

First Directors appointed.

5. The said Directors are hereby authorized to take all necessary measures for opening the Stock Books for the subscription of parties desirous of becoming Shareholders in the said Company,

They shall open stock books, receive

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subscriptions and allot shares.

Company, and to determine and allot to parties subscribing for Stock in the said Company the number of shares (if any) that parties so subscribing may have and hold in the Capital Stock aforesaid; and the said Directors shall cause an entry to be made in the records of their proceedings and in the Stockholders' Book of the Stock so allotted and assigned to parties subscribing as aforesaid; and the Secretary of the said Company shall notify the respective parties in writing of such allocation and assignment; and upon such entries being made the rights and liabilities of such Shareholders shall accrue in respect of his, her or their particular interest in the said Company.

Directors, and annual election of Directors.

6. The stock, property and concerns of the said Company shall be managed by a Board of seven Directors, who shall respectively be Stockholders in the said Company, and who shall be annually elected by the Stockholders on the first day of May, in each year, or such other day as may, by any By-law of the Directors, be from time to time fixed; and notice of the time and place of holding such election shall be published not less than ten days previous thereto, in one of the newspapers published in the City of Toronto, and in the County of Simcoe, and the election shall be made by such of the Stockholders as shall attend for that purpose either in person or by proxy; and if such election shall not be held on the day so appointed, it shall be the duty of the Directors to cause such election to be held within thirty days after the day so appointed, when such election shall take place, at a time and place to be notified by the Directors in one of the newspapers published in the said City and in one published in the said County, at which such election shall be made in manner hereinbefore appointed; and all acts of Directors of the said Company shall be valid and binding as against the said Company until their successors shall be elected; And it shall be the duty of the Directors to submit to such annual meeting of the Stockholders a report stating the amount of the Capital of the said Company, and the proportion thereof actually paid in, and the amount of the existing debts of the Company, which report shall be signed by the Chairman or President and a majority of Directors of the said Company.

Notice of meeting for election.

Annual report of Directors.

Voting and votes.

7. All elections of Directors shall be by ballot, and each Stockholder shall be entitled to as many votes as he owns shares of stock in the said Company; and the persons receiving the greatest number of votes shall be Directors, and when any vacancy shall happen amongst the Directors by death, resignation or otherwise, it shall be filled for the remainder of the year in such manner as may be provided by the By-laws of the Company.

Vacancies among Directors.

President and Officers.

8. The said Company shall have a Chairman or President, who shall be elected by the Directors from among themselves, and also such subordinate officers as the Company by its By-laws

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By-laws may require, who may be elected or appointed, and required to give such security for the faithful performance of the duties of their respective offices as the Company by its By-laws may provide.

9. It shall be lawful for the Directors of the said Company to call in and demand from the Stockholders thereof respectively, all sums of money by them subscribed, at such time and in such payments or instalments as such Directors shall deem proper; And if any Stockholder or Stockholders shall, after notice of such call or demand shall have been personally served, or after notice thereof shall have been published for six successive weeks in any of the newspapers published in the City of Toronto, and in the County of Simcoe, refuse or neglect to pay to the said Directors or the Secretary of the said Company, the amount of such call upon the share or shares held by him, then such share or shares shall or may, at the option of the said Directors, become forfeited to the Company, together with the amount or amounts paid thereon; and such forfeited share or shares may be disposed of as the Directors for the time being may think fit, in any manner whatsoever for the benefit of the Company, or the same may become vested in, and for the benefit of, the said Company, as the Directors may determine, or the amount of such call may be sued for and recovered by the Company, as hereinafter provided.

Directors may make calls.

May forfeit shares for non-payment;

And dispose of them.

10. In any action or suit to recover any money due upon any call, it shall not be necessary to set forth the special matter, but it shall be sufficient to declare that the Defendant is the holder of one share or more, (stating the number of shares,) and is indebted to the Company in the sum of money to which the calls in arrear shall amount, in respect of one call or more upon one share or more, (stating the number and amount of each of such calls,) whereby an action hath accrued to the said Company; and on the trial it shall only be necessary to prove that the Defendant was owner of certain shares, and the call or calls thereon, and the notice required by this Act, and no other fact or thing whatsoever.

What only need be alleged and proved in suits for calls.

11. The Directors of the said Company shall have power from time to time to make such By-laws as they shall deem proper for the determination of the number and quorum of Directors,—for the management and disposition of the stock and business affairs of the said Company,—for the appointment of officers, and for prescribing their powers and duties and those of all artificers and servants, that may be employed for carrying on all kinds of business within the objects and purposes of the said Company,—for making contracts relating thereto, and for carrying into effect all of the powers vested in the Company by this Act, and to amend or repeal any such By-laws and make others in their stead; and any copy of such By-laws or any of them purporting to be under the hand of the Clerk,

Directors may make By-laws for certain purposes.

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Secretary, or other officer of the said Company, and having the Corporate Seal of the said Company affixed to it, shall be received as *primâ facie* evidence of such By-law or By-laws in all Courts of Law or Equity in this Province; the said Company may purchase and sell all materials and things required for carrying on the business aforesaid, and manufactured by the Company, and may appoint agents within and without the Province, for such purchase and sale; and the said Company may become parties to Bills of Exchange or Promissory Notes without affixing their Corporate Seal to the same; Provided they shall be signed, made, accepted or endorsed in such manner as shall be prescribed by the By-laws of the Company.

Promissory notes and bills.

Stock to be personalty, and how transferable.

12. The stock of the said Company shall be deemed personal estate, and shall be transferable in such manner as shall be prescribed by the By-laws of the Company; but no share shall be transferable until all previous calls thereon shall have been fully paid in, or it shall have been declared forfeited for the non-payment of calls thereon; and it shall not be lawful for the said Company to use any of its funds in the purchase of any stock in any other Company.

Liability of Shareholders limited.

13. No Shareholder in the said Corporation shall be in any manner liable to be charged with the payment of any debt or demand due by the said Corporation beyond the amount of his or her subscribed share or shares in the Capital Stock of said Corporation.

Provision for increase of capital, if necessary.

14. Provided that if the said sum of fifty thousand pounds shall be found insufficient for the purposes of this Act, it shall and may be lawful, by a vote representing two-thirds of the Capital Stock aforesaid, at any general meeting to be called for that purpose, to increase the capital stock aforesaid either by the addition of new subscribers to the said undertaking or otherwise, to a sum not exceeding in all the sum of seventy-five thousand pounds; and the capital so to be raised shall be in all respects part of the capital stock of the said Company, and every holder of the new stock shall be a member thereof.

Act to be void if the Company be not organized, &c., within a certain time.

15. In case the said Company shall not be *bonâ fide* organized within two years after the passing of this Act, by the subscription of the whole Capital and the payment of sixty thousand dollars, this Act shall be null and void.

Public Act.

16. This Act shall be deemed a Public Act.

CAP.

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CAP. CXI.

An Act to incorporate the Canada Slate Company.

[*Assented to 4th May*, 1859.]

WHEREAS it is desirable to encourage the manufacture of Slate in this Province, and the several persons hereinafter named have, by their petition, represented that they have formed an Association for the purpose of working Slate Quarries, in the Townships of Kingsey and Shipton, in Lower Canada, but that they are unable effectually to carry out their operations for that purpose, without an Act incorporating them, with the powers hereinafter mentioned, and have prayed that such an Act be passed: Therefore, Her Majesty, by and with the advice and consent of the Legislative Council and Assembly of Canada, enacts as follows: Preamble.

1. Charles J. Dunlop, James H. Springle, Alexander Francis Dunlop, George Bowie, Charles Dunlop, Angus McIntosh and such others as have or may become stockholders in the capital stock hereinafter mentioned, shall be and are hereby constituted a body corporate and politic, in fact and in name, by the name of "The Canada Slate Company," and by that name shall and may sue and be sued, implead and be impleaded, answer and be answered unto, in all Courts of Law or Equity whatsoever, and shall have uninterrupted succession with a common seal, which may be by them changed and varied at their pleasure. Certain persons, &c., incorporated. Corporate name and general powers.

2. The capital stock of the said Company shall be fifty thousand dollars, divided into five hundred shares, of one hundred dollars each; Provided always, that the said capital stock may be increased to one hundred thousand dollars, as hereinafter provided. Capital. Increase of capital.

3. No shareholder in the said Corporation shall be individually liable for or charged with the payment of any debt or demand due by the said Corporation, beyond the unpaid amount of his, her or their subscribed share or shares in the capital stock of the said Corporation. Liability of Shareholders limited.

4. It shall be lawful for the said Corporation to have and hold such lands and immoveable or real property as may be necessary for carrying on the business of the said Corporation, the same to be acquired by purchase by the said Corporation; and it shall be lawful for the said Corporation at any time to sell, lease and otherwise dispose of the said property and estate as they see fit. Real property of the Company.

5. It shall be lawful for the said Corporation to engage in and follow on such lands and property as they may hereafter acquire in the Townships of Kingsey and Shipton, in Lower Canada, Business of the Company.

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Canada, the occupation and business of quarrying and manufacturing slate, and disposing of the same for the benefit of the said Corporation, and to do all things necessary for the purposes aforesaid, not inconsistent with the rights of other parties; Provided always, that nothing in this Act shall be construed to give the said Company the right to enter into or take or use in any way the lands of any person except with the consent of such person.

Proviso.

Provision for increasing the capital.

6. If the said capital sum of fifty thousand dollars be found insufficient for the purposes of this Act, then, in such case it shall be lawful for the members of the said Corporation, by a vote of two-thirds in number of the shareholders, representing not less than one half of the stock therein, to increase the said capital to one hundred thousand dollars in the whole; and the subscribers to the said increased capital stock shall be liable to all the obligations, and shall be participants in all the privileges of the original stockholders, as if the same had formed part or portion of the original capital of the said Corporation.

Shares to be personalty, &c.

7. The shares shall be personal property, and may be sold and transferred in such way as the Directors shall from time to time direct.

Directors, and their qualification.

8. The business of the said Corporation shall be conducted and its powers exercised by five Directors, who shall be severally stockholders therein, to the amount of one thousand dollars of the said stock, and who shall be elected by the shareholders in manner hereinafter described.

First election of Directors.

9. The first election of Directors shall take place within three months after the passing of this Act, at a meeting to be called by the petitioners, at the office of the Corporation, in the City of Montreal, after public notice, ten days before the said day of meeting, in any newspaper published in the City of Montreal; and the election shall then and there be made by a majority of the shares voted upon, and the Directors so chosen shall continue in office until the next annual meeting succeeding their election, and in case of any vacancy among them occurring in the interval before the first general meeting, or between two succeeding annual meetings, the same shall be filled by the other Directors, by appointing a qualified stockholder.

Vacancies among the Directors.

Annual general meetings.

10. The annual general meeting of the stockholders for the election of Directors, and for the transaction of such other business as may then be brought before them, shall be held on the second Monday of January in each year, at the office of the Company in Montreal.

Failure of meeting provided against.

11. On failure to hold the annual meeting on the day appointed, or to elect Directors thereat on the said day, the meeting may

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may be held and Directors elected on any other day, not later than thirty days from the regular day of meeting, and until the election of new Directors the old Directors shall remain in office.

12. The Directors may call special meetings at any time, in the manner to be provided for by the by-laws of the said Corporation, and may make and repeal all needful by-laws, rules and regulations for the well ordering of the Company, the management and disposal of its stock, property, estate and effects, and of its affairs and business generally, and may do all things whatever that may be requisite or necessary to carry out the objects of the Corporation, in the exercise of the powers incident to the said Corporation, by virtue of this Act.

Special meetings.

By-laws.

General powers.

13. A copy of the by-laws, or of any one or more of them, sealed with the seal of the Corporation, and signed by the Secretary, or by one or more of the Directors, shall be *primâ facie* evidence in all Courts of such by-laws, and that the same were duly made and are in force; and in any action or proceeding between the Corporation and any shareholder or any other person, it shall not be necessary to prove the seal; and all documents purporting to be sealed with the said seal, shall be held and taken to have been duly sealed.

Copies of By-laws.

Proof of corporate seal not required.

14. Each stockholder shall be entitled to a number of votes equal to the number of his shares, at all times of voting.

One vote for each share.

15. Except as herein otherwise provided for, all matters at any general, special or other meeting of the Company, or at any meeting of the Directors, shall be determined by the majority of the votes of the Shareholders or the Directors, as the case may be, present at such meeting, either in person or by proxy; and in case of an equality of votes, the chairman of such meeting shall have a casting vote; and a majority of the whole number of Directors shall form a quorum for the transaction of business, and a majority of such quorum shall decide.

Majority to decide.

Casting vote.

Quorum of Directors.

16. Each stockholder of the said Corporation shall be severally and individually liable to the creditors thereof, to an amount equal to the amount of stock held by him, for all debts and contracts made by such Corporation, until the whole amount of the stock held by such stockholder be paid in.

Liability of Shareholders until their shares are paid up.

17. The privileges conferred by this Act shall not be acquired by the said Corporation, until at least twenty-five per cent. of the capital stock has been actually paid into the hands of the Treasurer of the Company.

Ten per cent. to be paid before the Company can avail itself of this Act.

18. This Act shall be deemed a Public Act.

Public Act.

CAP.

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CAP. CXII.

An Act to incorporate the *Ramsay Lead Mining and Smelting Company.*

[*Assented to 4th May*, 1859.]

Preamble.

WHEREAS the several persons hereinafter named, have by their Petition represented that they have associated themselves together with divers others, for the purpose of exploring for, and working Mines of Lead and other ores, at Ramsay, in the County of Lanark, Canada West, and elsewhere, by articles of agreement entered into at the City of Montreal, and have raised by subscription the capital necessary effectually to begin their operations, but that they experience great difficulties in carrying out the objects for which they are associated without an Act incorporating them, with the powers hereinafter mentioned, and have prayed that such Act may be passed: Therefore, Her Majesty, by and with the advice and consent of the Legislative Council and Assembly of Canada, enacts as follows:

Certain persons incorporated.

Corporate name and powers.

1. David Torrance, Theodore Hart, Henry Chapman, Thomas Kay and Edmund H. Parsons, the present Trustees of the Association mentioned in the preamble to this Act, and their successors, and such and so many other persons or parties as have become or shall become Shareholders in the Capital Stock hereinafter mentioned, shall be and they are hereby constituted a body politic and corporate, in fact and in name, by the name of the "Ramsay Lead Mining and Smelting Company," and by that name shall and may sue and be sued, implead and be impleaded, answer and be answered unto, in all Courts of Law or Equity whatsoever, and shall have uninterrupted succession with a common Seal, which may by them be changed or varied at their pleasure.

Capital stock and shares.

2. The Capital Stock of the said Corporation shall be fifty thousand pounds, and the same hereby is divided into fifty thousand shares of the value of one pound each.

Liability of Shareholders limited.

3. No shareholder in the said Corporation shall be in any manner whatsoever liable for or charged with the payment of any debt or demand due by the said Corporation, beyond the amount of his, her or their subscribed share or shares in the Capital Stock of the said Corporation.

Calls on holders of stock not to exceed 15s. per share.

4. And whereas the instalments already paid or called in upon the Stock already issued are equal to five shillings currency per share: Therefore, the calls to be hereafter made on the holders of the said stock shall not exceed in the whole sum fifteen shillings per share, and the same shall be paid by instalments when and in such manner as shall be prescribed by the Directors hereinafter mentioned; Provided also, that nothing herein

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herein contained shall exonerate, diminish, or relieve any party from existing liability to the said Company, whether the said liability relates to contributions due or to fall due upon Stock already issued, or otherwise, but on the contrary all such liability and contributions shall and may be enforced in the same way, and the said Corporation shall have the same remedy to enforce the payment of calls already made, and all other debts and sums now due and called for, as is hereinafter prescribed with respect to future calls and liabilities.

Proviso: Former liabilities not to be affected.

5. All and every the estate and property, real or personal, belonging to the said Association formed under the Articles of Association aforesaid, at the time of the passing of this Act, and all debts or claims due to or possessed by the said Association, shall be and hereby are transferred to and vested in the Corporation hereby established, which shall in like manner be liable to and for all debts due by or claims upon the said Association; and the trustees of the said Association, at the time of the passing of this Act, shall be Directors of the said Corporation, as if elected under this Act, until their successors shall be elected as hereinafter provided.

Certain property vested in the Corporation.

6. It shall be lawful for the said Corporation to have and hold such lands and immoveable or real property as may be necessary for carrying on the business of the said Corporation, provided the sum invested in real property purchased from private individuals or from the Crown do not at any one time exceed twenty thousand pounds; and it shall be lawful for the said Corporation to sell, lease, or otherwise dispose of the said property and estate as they may see fit.

Corporation may hold real property to extent of £20,000.

7. It shall be lawful for the said Corporation to engage in and follow the occupation and business of carrying on exploration for and of finding and getting lead and other ores, metals, and minerals, and of manufacturing and disposing of the same for the benefit of the said Corporation, and to do all things necessary for the purposes aforesaid, not inconsistent with the rights of any other parties or with the conditions of any grant or other title under which the said Corporation may hold the lands in which such things are to be done.

Business of the Corporation defined.

8 If the sum of fifty thousand pounds be found insufficient for the purposes of this Act, then and in such case it shall be lawful for the members of the said Corporation by a vote of not less than two thirds in number of the Shareholders, representing not less than twenty thousand shares, at any General Meeting to be expressly called for that purpose, to increase the Capital Stock of the said Corporation, either by the admission of new members as subscribers to the said undertaking or otherwise to a sum not exceeding in all the sum of two hundred thousand pounds currency, including the said sum of fifty thousand pounds currency hereinbefore authorized to be raised, in

Corporation may increase capital stock to £200,000 currency.

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in such manner and upon such terms and conditions and under such regulations as shall be approved and agreed upon; and the capital so to be raised by the creation of new shares, shall be in all respects part of the Capital Stock of the said Corporation; and every Shareholder of such new stock shall be a member of the said Corporation, and be entitled to all and every the same powers, privileges and rights as the persons who are now Shareholders, in proportion to the interest or number of shares which he may acquire, and to the amount of calls paid thereon; and shall also be liable and subject to the same obligations and stand interested in all the profits and losses of the said undertaking in proportion to the sum that he shall subscribe and pay thereto, as fully and effectually to all intents and purposes whatsoever as if such other or further sum had been originally raised as a part of the said first sum of fifty thousand pounds; anything herein contained to the contrary notwithstanding.

Rights and liabilities of holders of new stock.

Corporation may borrow money from time to time.

9. It shall be lawful for the said Corporation from time to time to borrow, either in this Province or elsewhere, all such sum or sums of money not exceeding in all, at any one time, fifty thousand pounds currency, as they may find expedient; and to make the bonds, debentures, or other securities they shall grant for the sum so borrowed, payable either in currency or in sterling with interest, and at such place or places within or without this Province as they may deem advisable, and such bonds, debentures or other securities may be made payable to bearer, or transferable by simple endorsement or otherwise, and may be in such form as the Directors for the time being may see fit; and the said Directors may hypothecate, mortgage or pledge the lands, revenues and other property of the said corporation for the due payment of the said sums and the interest thereon; Provided always, that such Corporation shall not be allowed to borrow any part of such sum of fifty thousand pounds aforesaid until at least one half of the said Capital Stock of the said Corporation hereinbefore authorized shall be paid up and available for the use of the Corporation.

The same not to be borrowed until half the capital be paid up.

Stock to be personal property.

Number of votes of Shareholders, &c.

10. The Stock of the said Corporation shall be deemed personal or moveable estate, notwithstanding the conversion of any portion of the funds constituting the same into lands; and at all meetings of the Shareholders held in pursuance of this Act, whether the same be general or special, every shareholder shall be entitled to as many votes as he shall have shares in the said stock; and such vote or votes may be given in person or by proxy; and all questions proposed or submitted for the consideration of the said meetings shall be finally determined by the majority of the votes, except in the case or cases otherwise provided for; and provided also, that no person shall be entitled to vote as proxy at any meeting unless he shall be a Shareholder in the said Corporation, and produce written authority as such proxy in the form prescribed by the Schedule A.

Proxies.

11.

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11. The shares in the Stock of the said Corporation shall be assignable by delivery of the certificates, to be issued to the holders of such shares respectively, and by assignment in the form of the Schedule B, or in any other convenient form to be prescribed by any By-law of the said Corporation; and by such assignment the party accepting such transfer shall thenceforth become in all respects a member of the said Corporation in respect of such share or shares in the place of the party so transferring the same; but no such transfer shall be valid or effectual until all calls or instalments due on the shares purporting to be transferred, and all debts or moneys due to the said Corporation hereon, shall have been fully paid up and discharged; and a ertified copy of such transfer extracted from the proper book f entry, and purporting to be signed by the Clerk, or other fficer of the said Company duly authorized thereto, shall be tfficient *primâ facie* evidence of every such transfer in all ›urts in this Province.

Proviso: Shares of stock to be assignable by delivery of certificates in form of Schedule B, &c.

12. The Directors of the said Company shall have power l authority to establish and have a place of business or ›e in the Cities of London and Liverpool in England, and v York, Boston, Philadelphia and Detroit in the United ›es of America, and to open books of subscription in ›l or any of the said Cities for the stock of the said Corporation, and to receive there subscriptions for the said stock, transferable there, respectively, and to make all such instalments called thereon, and dividends declared thereby, payable there, respectively: And the said Directors shall also have power to name one or more Agent or Agents or Commissioners in all or any of the aforesaid Cities, for all or any of the purposes aforesaid, and to allow to such Agent or Agents or Commissioners a reasonable remuneration for his or their services, and all other necessary expenses of the said office or offices; and it shall also be competent for the said Directors to make all such rules and regulations, and to prescribe all such forms as to them may seem meet for the better and more satisfactorily managing and conducting the affairs and business of the said Corporation in all or any of the Cities aforesaid, and for facilitating and rendering effectual the subscription for and transfer of and payments upon the said stock respectively, and for all other purposes connected therewith and incidental thereto; Provided always, that the said Directors may make By-laws prescribing the mode in which any shares of the stock in all or any or either of the said Cities may be made shares in Canada, or whereby any shares of the stock in Canada may be made shares in England or in the United States aforesaid.

Directors may establish offices in England and the United States for certain purposes.

Agents, and powers of agents.

Proviso.

13. For managing the affairs of the said Corporation, there shall be from time to time, elected out of the members of the said Corporation five persons, being each a proprietor of not less than fifty shares of the said capital stock, to be Directors of the said Corporation, for ordering, managing and directing the

Five Directors of Corporation to be elected to manage its affairs.

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Three to form a Quorum.

Proviso.

Proviso.

Directors may dispose of remaining stock of Corporation.

Calls.

Proceedings in actions or calls.

Deeds of the Corporation.

the affairs of the said Corporation; and any three Directors shall form a quorum of the Board, and any majority of such quorum may exercise all the powers of the Directors; Provided always, that unless at a meeting of a majority of the Directors, no by-law, rule, resolution or regulation for raising money or disposing of the real estate of the Corporation, shall be finally passed, unless confirmed at the next meeting of the Directors, to take place upon due notice given; Provided also, that no Director shall have more than one vote at any meeting of Directors, except the President or Chairman for the time being, who shall, in case of an equal division have the casting vote although he may have given one vote before; and whenever any vacancy shall happen among the Directors by death, resignation, or removal out of the Province, such vacancy shall be filled up until the next general meeting of the shareholders, in such manner as may be prescribed by any by-law of the Corporation; and the Directors shall have full power to dispose of such part of the stock of the said Corporation as may remain to be disposed of, or as may from time to time be added to or fall into the general mass either by forfeiture or otherwise, on such terms and conditions and to such parties as they think most likely to promote the interest of the said Corporation; and they shall also have full power to make such calls for money from the several shareholders for the time being, as is hereinbefore provided for, and to sue for, recover and get in all such calls, whether already made or hereafter to be made, and to cause and declare the said shares to be forfeited to the said Corporation in case of non-payment, on such terms and in such way as they shall see fit to prescribe by any by-law; and in any action to be brought to recover any money due on any call, it shall not be necessary to set forth the special matter in the declaration, but it shall be sufficient to allege that the defendant is a holder of one share or more in the said stock (stating the number of shares) and is indebted to the Corporation in the sum to which the calls in arrear shall amount (stating the number and amount of such calls,) whereby an action hath accrued to the Corporation by virtue of this Act; and it shall be sufficient to maintain such action, to prove by any one witness, that the defendant at the time of making such call was a Shareholder in the number of shares alleged, and that the calls sued for were made and notice thereof given, in conformity with the By-laws of the said Corporation, and it shall not be necessary to prove the appointment of the Directors, nor any other matter whatsoever;—the said Directors shall and may use and affix or cause to be used and affixed the common seal of the said Corporation to any documents which in their judgment may require the same, and any act or deed bearing such seal, and signed by the President (or by any two Directors) and countersigned by the Secretary, shall be held to be the act or deed of the Corporation;—they may appoint such and so many agents, officers and servants of the said Corporation under them as to the said Directors may seem meet, and may fix

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fix the salaries and remuneration of such officers, agents and servants;—may make any payments and enter into any contracts for the execution of the purposes of the said Corporation, and for all other matters necessary for the transaction of its affairs;—may generally deal with, treat, purchase, lease, sell, mortgage, let, release, and dispose of and exercise all acts of ownership over the lands, tenements, property and effects of the said Corporation;—may institute and defend in the name of the said Corporation all suits at law;—may from time to time displace the officers, agents and servants of the said Corporation, except as hereafter provided; and they shall and may have power to do all things whatsoever which may be necessary or requisite to carry out the objects of the Corporation, and to vest the present property and funds of the said Association in the Corporation hereby erected:—they shall declare dividends of the profits of the said Corporation, when and as often as the state of the funds thereof may permit;—may appoint when special meetings of the Shareholders shall be held, and determine on the mode of giving notice thereof, and of the manner in which the Shareholders may call or require such special meetings to be called;—they shall have power to carry into force and effect all and every the provisions and stipulations contained in the articles of agreement in the first section of this Act referred to, with respect to the appropriation and allotment, whether conditional or otherwise, of the Stock of the said Company, and also with respect to all other matters and things in the said articles of agreement provided for, not inconsistent with this Act; and they shall have power to make By-laws for the government and control of the officers and servants of the said Corporation;—they shall also have power to make and frame all other By-laws, rules and regulations for the management of the business of the said Corporation in all its particulars and details, whether hereinbefore specially enumerated or not, and the same also at any time to alter, change, modify and repeal; which said By-laws, rules and regulations shall be submitted for approval, rejection, or alteration by the stockholders at the next general meeting, or at a special meeting to be called by the said Directors; and when, and as so ratified and confirmed, shall be put into writing, and duly recorded in the minutes of the said Corporation, and be binding upon, and observed and taken notice of by all members of the said Corporation; and any copy of the said By-laws, or any of them purporting to be under the hand of the clerk, secretary, or other officer of the said Company, and having the seal of the Corporation affixed to it, shall be received as *primâ facie* evidence of such By-law in all Courts in this Province; Provided always, that the stockholders may, at any general or special meeting, appoint such salary or compensation to the President and Directors respectively as to them shall seem reasonable and proper.

May appoint agents and officers, &c.

Management of property.

General powers.

Shall declare dividends.

And appoint meetings of Corporation.

May make By-laws.

Proof of By-laws.

Proviso: as to remuneration of Directors.

14.

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When and where the first meeting shall be held.

14. The first general meeting of the shareholders of the said Corporation shall be held at the office of the said Corporation in the City of Montreal, (at which place the said Corporation shall have its principal place of business,) on the second Tuesday in May, one thousand eight hundred and fifty-nine; and at such time and place, and on the like day in every year thereafter, the said shareholders shall elect five fit and qualified persons to be Directors of the said Company in the place and stead of the five who shall retire; and until such first election, and until they shall respectively retire as aforesaid, the Trustees of the Association aforesaid, to wit: The said David Torrance, Theodore Hart, Thomas Kay, Henry Chapman and E. H. Parsons, and the survivors or survivor of them shall be, and are hereby declared to be, and constituted Directors of the said Corporation; and the said David Torrance shall, until such day, be the President of the said Corporation; and they shall have and exercise all and every the powers, and shall be subject to all and every the clauses, conditions, liability, and restrictions imposed on the Directors to be chosen under this Act; Provided always, that in all actions or suits, or other legal proceedings to be brought against the said Corporation, it shall be lawful and sufficient for the plaintiff or complainant, or any other party, to cause process to be served at the office of the said Corporation in the City of Montreal, or personally upon the President, or on any one of the Directors, or on the Secretary of said Corporation, at any other place; And provided that at the first meeting of the Directors to be elected as aforesaid to be holden after the passing of this Act, the said Directors shall choose and elect from among themselves some one to be President, and also some one to be Vice-President of the said Corporation.

Certain persons appointed first Directors.

David Torrance appointed first President.

Proviso: as to service of process.

Election of President and Vice-President.

Retirement of Directors.

15. At the first general meeting of the shareholders, and at the annual general meeting in each year thereafter, the Directors thereof shall retire from office, but shall be eligible for re-election; and the Directors, immediately after the election at each annual meeting, shall choose one of their own number to be President.

Failure to hold meeting not to operate dissolution of Corporation.

16. The failure to hold the said first general meeting, or any other meeting, or to elect such Directors or President, shall not dissolve the said Corporation; but such failure or omission shall and may be supplied by and at any special meeting to be called as the Directors, in conformity with the By-laws of the said Corporation, may see fit to appoint; and, until such election of new Directors, those who may be in office for the time being shall be and continue in office, and exercise all the rights and powers thereof until such new election be made, as hereinbefore provided.

Interpretation clause.

17. The word "Lands" in this Act shall include all lands, tenements and hereditaments, and real or immovable property

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property whatsoever; and all words importing the singular number or the masculine gender only shall extend to more than one person, party or thing, and to females as well as males, and the word "Shareholder" shall include the heirs, executors, administrators, curators, legatees or assigns of such Shareholder, or any other party having the legal possession of any share whether in his own name or that of any other, unless the context shall be inconsistent with such construction; and whenever power is by this Act given to do any thing, power shall be intended also to do all things, which may be necessary to the doing of such thing; and generally all words and clauses herein shall receive such liberal and fair construction as will best ensure the carrying into effect of this Act according to its true intent and spirit.

18. It shall not be lawful for the said Corporation to commence or proceed with their operations under this Act, unless they shall have first paid up the sum of ten per cent. on the amount of their capital stock. When the Company may commence business.

19. Nothing in this Act contained shall in any manner derogate from or affect the rights of Her Majesty, Her Heirs or Successors, or of any person or persons, body politic or corporate, excepting so far as the same may be specially derogated from or affected by the provisions of this Act. Rights of Her Majesty saved.

20. This Act shall be deemed a Public Act. Public Act.

SCHEDULE A.

FORM OF PROXY.

I, A. B., of , hereby appoint C. D., of , to be my proxy, and to vote and act for me as such at all Meetings of the Shareholders of the *Ramsay Lead Mining and Smelting Company*, and in my name to do all things with regard to the business of the said Company, which I may, by law, do by Proxy. Form of proxy.

Witness, my hand, this day of , eighteen hundred and .

A. B.

SCHEDULE B.

FORM OF TRANSFER.

I, A. B., for value received, do hereby bargain, sell and transfer to C. D., share (*or* shares) of the Stock of the *Ramsay Lead Mining and Smelting Company*, to hold to him the said C. D., his heirs, executors, curators, administrators and assigns,

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assigns, subject to the same rules and orders, and on the same conditions that I held the same immediately before the execution hereof. And I, the said C. D., do hereby agree and accept of the said share (*or* shares), subject to the same rules, orders and conditions.

Witness, our hands and seals, this day of , in the year .

A. B.
C. D.

CAP. CXIII.

An Act to amend the Act incorporating the Canada Powder Company.

[*Assented to 4th May*, 1859.]

Preamble.

WHEREAS the Canada Powder Company have, by their petition, represented that doubts have been raised as to their power to become parties to promissory notes and bills of exchange, which they are constantly required to make, draw and endorse, the same being taken by them in the ordinary course of their business, and have prayed for amendments to their Act of Incorporation, to remove such doubts, and for other purposes, and it is expedient to grant the prayer of their petition : Therefore, Her Majesty, by and with the advice and consent of the Legislative Council and Assembly of Canada, enacts as follows :

Company may become parties to promissory notes.

1. The Company has and shall have power to become parties to promissory notes and bills of exchange for sums not less than one hundred dollars, and any such promissory notes made or endorsed, and any such bills of exchange drawn, accepted, or endorsed for the Company by the President or one of the Directors of the Company, and also by the Secretary, shall be binding upon the Company ; and every such promissory note or bill of exchange shall be presumed to have been properly made, drawn, accepted or endorsed, as the case may be, for the Company, until the contrary be shown, and shall, under any circumstances, be binding upon the Company, in the hands of a *bonâ fide* holder thereof, for value ; and in no case shall it be necessary to have the seal of the Company affixed thereto ; nor shall the President, Director or Secretary be thereby subjected individually to any liability whatever ; Provided always, that nothing in this section shall be construed to authorize the Company to issue any note payable to bearer, or any promissory note intended to be circulated as money, or to give the Company any banking power.

Proviso : Against Banking.

Company may pay or receive

2. The Company may, in addition to the power granted by the twelfth section of their Act of Incorporation, bind themselves to

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to pay, or contract to receive, a rate of interest not exceeding ten per cent. per annum.

ten per cent. interest.

3. It shall be lawful for the Directors of the Company at any time after the whole of the shares subscribed for and remaining unforfeited shall have been lawfully paid up, by a resolution to that effect, to reduce the amounts of the shares of the Company, to the sum of five hundred dollars each; Provided always, that no such resolution shall have force or effect until after its adoption by three fifths in value of the shareholders present at a meeting of the shareholders specially convened for that purpose, and from and after such adoption, each shareholder of one share of one thousand dollars, shall be entitled to ask, demand and receive from the Company, scrip certificates for two shares of five hundred dollars each, and so in proportion, and the original scrip shall, from the time of such adoption, cease to be valid as binding on the Company, and shall be delivered up to be cancelled.

Shares when all paid up, may be reduced to $500 each.

Proviso: how such reduction may be effected.

4. The annual general meeting of the Company shall, from and after the passing of this Act, be held on the first Monday in February in each year, in place of the second Monday in January as provided by the said Act; but a failure to make such election on such day shall not operate as a dissolution of the Company, but the same may be subsequently held, as provided for in the said Act.

Day of annual general meetings changed.

5. No transfer of any share shall be valid until entered in the books of the Company, according to such form as the Directors may from time to time appoint; and until the full amount of the shares subscribed for shall have been paid up, it shall be necessary to obtain the consent of the Directors to such transfer being made; Provided always, that no stockholder indebted to the Company shall be permitted to make a transfer or receive a dividend until such debt be paid or secured to be paid to the satisfaction of the Directors.

Transfer of shares not valid until entered on the books of the Company, &c.

6. This Act shall be deemed a Public Act.

Public Act.

CAP. CXIV.

An Act to amend the Act of Incorporation of the British Farmers' Union Insurance Company.

[*Assented to 4th May*, 1859.]

WHEREAS the British Farmers' Union Insurance Company have by their petition prayed for certain additions and amendments to their Act of incorporation, and it is expedient to grant their prayer: Therefore, Her Majesty, by and with the advice and consent of the Legislative Council and Assembly of Canada, enacts as follows:

Preamble.

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Head office.

1. From and after the passing of this Act, the head office of the said Company shall be located in the Town of Brantford.

Qualification of Directors.

2. Notwithstanding anything to the contrary in the Act incorporating the said Company, no person shall be qualified to be elected a Director of the said Company, who shall not be insured therein to the amount of twelve hundred dollars.

Section 15 of 19, 20 V. c. 125, repealed.

Amount of Mutual Insurance in each case limited.

3. The fifteenth section of the Act passed in the Session held in the nineteenth and twentieth years of Her Majesty's Reign, intituled, *An Act to incorporate the British Farmers' Union Insurance Company*, is hereby repealed and the following substituted in lieu thereof: "Provided always that in all cases of mutual insurance, there shall not be insured more than two thirds of the value of any building, nor shall a sum be insured exceeding two thousand dollars on any one risk."

Meetings; certain notices not required.

4. The Board of Directors shall hold their meetings at least once a month, or oftener if the business of the Company requires it; and it shall not hereafter be necessary that in the notices of the annual meetings for the election of Directors the names of the retiring Directors should be inserted.

Inconsistent provisions of 19, 20 V. c. 125, repealed.

5. All provisions of the Act lastly above mentioned, which are inconsistent with the provisions of this Act, shall be and they are hereby repealed.

Public Act.

6. This Act shall be deemed a Public Act.

CAP. CXV.

An Act to incorporate certain persons therein mentioned under the name of the *Metropolitan Fire Insurance Company.*

[*Assented to 4th May*, 1859.]

Preamble.

WHEREAS John James Day, Luther H. Holton, Thomas M. Taylor, Robert Anderson, John Dougall, Edwin Atwater, John Redpath and Henry Lyman, have, by their petition in that behalf, prayed to be incorporated for the purpose of carrying on the business of Insurance against loss by Fire within this Province; And whereas it is expedient to grant their prayer: Therefore, Her Majesty, by and with the advice and consent of the Legislative Council and Assembly of Canada, enacts as follows:

Certain persons incorporated.

1. The said John James Day, Luther H. Holton, Thomas M. Taylor, Robert Anderson, John Dougall, Edwin Atwater, John Redpath and Henry Lyman, and their several and respective heirs, executors, curators, administrators, successors and assigns, shall be and are hereby ordained, constituted and declared

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declared to be a Corporation, body corporate and politic, by the name of the *Metropolitan Fire Insurance Company*, for the purpose of carrying on the business of Assurance against loss by fire in this Province, and shall so continue and have perpetual succession; and shall and may, by the said name, be capable in law to sue and be sued, implead and be impleaded, answer and be answered, defend and be defended, in all Courts and places whatsoever; and shall also be able and capable in law to purchase, acquire, hold, and enjoy, and retain to them and their successors, lands and tenements, real or immoveable estate, for the convenient conduct and managing of the business of the said Corporation, and for no other purpose; and may sell, alienate and dispose of such lands, tenements, real or immoveable estate, and purchase others in their stead for the same purpose; and may also take and hold any real estate or securities *bonâ fide* mortgaged or pledged to the said Corporation, either to secure the payment of the share capital stock thereof, or to secure the payment of any debt which may be contracted with the said Corporation; and may also proceed on the said mortgages and other securities for the recovery of the moneys thereby secured, either at law or in equity, or otherwise, in the same manner as any other mortgagee is or shall be authorized to do; Provided always, that it shall not be lawful for the said Corporation to deal, or use, or employ any part of the stock, funds, or moneys thereof, in buying and selling any goods, wares and merchandise, or in traffic, trade, or commerce of any kind, otherwise than as hereinbefore specified and permitted; but nothing herein contained shall extend to prevent the said Corporation from investing in bank stocks or public securities in this Province, the amount of capital stock paid in, or such portion thereof as it shall be deemed advisable by the Directors so to invest; and the said Corporation may have a common seal, and may change and alter the same at their pleasure; and may also, from time to time, at any general meeting of the stockholders, and by a majority of the votes given at such meeting, ordain, establish and put in execution, by-laws, ordinances and regulations, (the same not being contrary to the present Act, or to any laws in force in this Province,) as may appear to them necessary or expedient for the management of the said Corporation, and may from time to time alter and repeal the same or any of them; and may, by such majority as aforesaid, elect and choose such number of Directors and such other officers, and vest in them such powers as to such majority shall seem meet and right for the purposes aforesaid; and such by-laws, ordinances and regulations shall be made by the Directors, and shall be submitted to the stockholders of the said Corporation for their approval and confirmation, at a general meeting called for that purpose, to be held in the manner hereinafter mentioned, or at any general annual meeting; and the said Corporation shall and may do and execute, in the manner aforesaid, all and singular the matters and things touching the management of the

Corporate name and general powers.

Real property limited.

Mortgages, &c.

Proviso: not to deal in goods, &c.

May invest in certain stocks, &c.

Common seal.

By-laws.

Directors and Officers.

By-laws to be submitted to Stockholders.

General powers.

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the business of the said Corporation, which to them shall or may appertain to do, subject nevertheless to the rules, regulations, stipulations and provisions herein prescribed and established.

Capital.

Shares.

2. The capital stock of the said Fire Insurance Company, hereby incorporated and established, shall not be less than the sum of two hundred thousand dollars, divided into two thousand shares of one hundred dollars each.

Increase of capital.

25 per cent. to be paid down.

3. Provided, however, that it shall be in the power of a majority of the stockholders of the said Corporation present at a general meeting called for that purpose, to increase the capital stock of the said Corporation from time to time, until it shall consist of one million dollars, divided into shares of one hundred dollars each; and it shall be the duty of the Directors to exact payment of not less than twenty-five per cent. on all shares that may be subscribed for in any increase to the capital stock of the Company, within one year from the date of such subscription.

Provisional Directors.

Subscription books.

4. The said John James Day, Luther H. Holton, Thomas M. Taylor, Robert Anderson, John Dougall, Edwin Atwater, John Redpath and Henry Lyman shall act as Provisional Directors, and shall, within sixty days of the passing of this Act, open a book for the subscription of shares in the capital stock of the said Corporation, of which public notice shall be given in at least two newspapers published in the City of Montreal.

First meeting of Stockholders and election of Directors.

5. Whenever one thousand shares shall have been subscribed in the said Corporation, the Provisional Directors, or any five of them, shall call a meeting of the subscribers for the organization of the said Corporation and the election of Directors, of which meeting notice shall be given at least eight days before the day of such meeting in at least two newspapers published in the City of Montreal.

Qualification of Directors.

6. No stockholder shall be eligible as a Director unless he be the proprietor of at least twenty shares in the stock of the said Corporation.

Proportion of votes to shares.

7. The number of votes to which each stockholder shall be entitled, on every occasion when, in conformity to the provisions of this Act, votes of members of the said Corporation are to be given, shall be one vote for each share.

Annual general meetings.

8. A general meeting of the stockholders of the said Corporation shall be held on the third Tuesday of the month of January in each year, and failing such meeting on the day so appointed, then it shall be held on the subsequent Tuesday.

9.

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9. The Directors shall at their first meeting after each general annual meeting of the stockholders, elect a President and Vice-President from among themselves; they may also from time to time appoint a manager, and such other officers as may be necessary to carry out the objects of the said Corporation.

President to be elected, and other Officers

10. The said Corporation shall not commence or carry on the said business of insuring against loss by fire, or issue any policy of insurance, until a sum equal to at least fifty thousand dollars shall be paid up, and deposited in one of the Chartered Banks of the Province, and shall be in the hands and at the disposal of the said Corporation, nor shall any policy of insurance be at any time opened or renewed after the expiration of one year from the time the said Corporation shall have commenced business, unless a sum of at least one hundred thousand dollars shall then have been paid up; nor shall any Policy of Insurance be at any time opened or renewed by the said Corporation, unless a sum equal to at least ten per cent on their capital stock then subscribed for, after paying all lawful demands on them, shall be then paid up, and in their hands and at their disposal as aforesaid; and for each and every offence against the provisions of this section, the said Corporation shall be liable to a judicial forfeiture of their corporate capacity, rights and privileges, according to law.

When the Corporation may commence business, &c.

Penalty for contravention.

11. The stockholders in the said Corporation shall not in any manner whatsoever be liable for more than the amount of stock for which they shall respectively have subscribed their names.

Liability of Stockholders limited.

12. The Governor or either branch of the Provincial Parliament may, from time to time, require from the said Corporation, or of any of the officers thereof, lists of the names of all the stockholders, with a statement of the number of shares in the stock of the said Corporation held by each of the said stockholders, and an account of the assets and liabilities of the said Corporation, mentioning the amount then paid up, and in the hands and at the disposal of the said Corporation, with such other details as may be demanded; and every wilful false declaration made in such statement shall be considered a misdemeanor, and shall subject the party or parties making such false declaration, to the same penalties as if they had made it under oath.

Returns to the Legislature, &c.

False statements, how punishable.

13. This Act shall be deemed a Public Act.

Public Act.

CAP.

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CAP. CXVI.

An Act to amend the Charter of the Society of the Montreal General Hospital.

[*Assented to 4th May*, 1859.]

Preamble.

Charter of 30th January, 1823.

WHEREAS the Society of the Montreal General Hospital, by their Petition to the Legislature, have set forth, that on the thirtieth day of January, in the year of our Lord, one thousand eight hundred and twenty-three, they were duly constituted a body politic and corporate, under and by virtue of certain Letters Patent of His late Majesty King George the Fourth, duly issued on that day at the Castle of St. Lewis, in the City of Quebec, under the great seal of the then Province of Lower Canada, and have ever since acted, and still act as such thereunder; that certain of the provisions of the said Letters Patent, more especially in reference to the qualification of the members of the said corporation,—its powers in respect of the holding and alienating of property,—the number, choice and qualification of the Governors thereof, the quorum of Governors for the transaction of business, and the extent of their powers of administration, are found in practice to be highly inconvenient; and that they therefore pray for amendment of their said Charter; And whereas it is expedient to grant their said prayer: Therefore, Her Majesty, by and with the advice and consent of the Legislative Council and Assembly of Canada, enacts as follows:

Who shall be Members of the Corporation.

1. The present Governors of the said Hospital, and all other persons who, during the year to expire on the first Tuesday of May, in the year one thousand eight hundred and fifty-nine, shall have contributed to its funds five dollars or more, are hereby declared to be members of the said Corporation; and hereafter, all persons who, during the current or last expired financial year thereof, shall have contributed to its funds five dollars or more, shall be such members thereof; Provided always, that no person shall be entitled to vote as such member, who shall not have actually paid up such contribution for the then current financial year.

What real estate the Corporation may acquire and hold.

2. The said Corporation may acquire and hold, by any legal title whatsoever, real estate of a yearly value not exceeding four thousand dollars, as by the said Charter allowed, besides what they may require for the actual occupation of their Hospital; and they may acquire any other real estate, or interest therein, by gift, devise or bequest if made six months or upwards before the death of the party making the same, and may hold the same for a period of not more than five years; but the same, or any part thereof, or interest therein, which may not within the said period have been alienated, shall revert to the party

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party from whom the same was acquired, his heirs or other representatives.

Who shall be life Governors.

3. The present life Governors of the said Hospital shall continue so to be, subject only to the condition of their continuing to contribute to its funds the yearly sum of twelve dollars or more, as heretofore,— but may be declared by vote of the Board of Governors to have ceased so to be, if at any time two years in arrear for such contribution; and any other persons who shall have contributed by donation to its funds one hundred dollars or more, may be constituted such life Governors by vote of the said Board, subject to the like condition of contributing such yearly sum of twelve dollars or more,—and may, in like manner, be declared by vote of the said Board to have ceased so to be, if at any time two years in arrear for such further contribution.

Elected Governors,—number, qualification, period of service, &c.

4. The present elected Governors of the said Hospital shall also continue so to be until the time of the next annual election of Governors, to be held under the said charter after the passing of this Act, and shall severally be eligible for re-election thereat, if otherwise qualified; and at such next annual election there shall be chosen by the members of the Corporation qualified to vote, such number of elected Governors not exceeding six as may be deemed expedient, to serve for the term of one year and until their successors shall be elected, and a like further number to serve for the term of two years and until their successors shall be elected; and at every annual election thereafter, a like number of not more than six elected Governors shall in like manner be chosen for the like term of two years and until their successors shall be elected to supply the place of those retiring, who, however, shall always be eligible for re-election, if otherwise qualified; and all persons, donors of forty dollars or more, if also contributors of eight dollars or more yearly, to the Funds of the said Hospital, and also all contributors of twelve dollars or more yearly, to its funds, shall be held qualified for election as such Governors.

Vacancies among elected Governors.

5. In case of the death, resignation or disqualification of any elected Governor, it shall be in the discretion of the Board of Governors to name another qualified member of the said Corporation, to serve in his stead for the unexpired remainder of the term for which he was elected.

President and Vice-President, election of, term of office, &c.

6. There shall continue to be elected by the Board of Governors, from among themselves, as soon as conveniently may be after each annual election of Governors, a President and Vice-President of the said Corporation, who shall have such powers and discharge such duties as by By-law in that behalf may be ordained, and shall serve for the term of one year and until their successors shall be elected; and in case of the death, resignation or disqualification of such President or Vice-President,

Vacancies in the office.

President, the said Board as soon as conveniently may be thereafter, shall elect another of themselves to serve as such for the unexpired remainder of his term of office; and the said Board may further, as occasion shall require, appoint all such other officers, and employ all such servants of every grade, of the said Corporation, on such terms, in respect of duty, emolument and otherwise, as by By-law in that behalf may be ordained, and may remove all such other officers and all such servants, in their discretion, subject only to such restrictions as by By-law in that behalf may be ordained.

Officers and Servants of the Corporation.

Board of Governors to administer the affairs of the Corporation.

7. The said Board of Governors shall in all other respects have full power to administer the affairs of the said Corporation, subject only to such restrictions as its By-laws may ordain; and in particular, may sell or in any other way dispose of any estate, real or personal, of the said Corporation, as they may deem advisable for the interests of the said Corporation; Provided always, that all moneys from time to time to be received by them on account of purchase money of any real estate by them alienated or to be alienated, or on account of the capital of any ground rent, or otherwise than by way of contribution not made for investment, shall be dealt with as capital only, and not as income, and shall be promptly invested either in buildings or other real estate for the occupation of the said Hospital, or in productive real estate, or upon security thereof, or in public securities of the Province.

Proviso: as to investment of proceeds of property sold.

President, &c., need not take an oath of office.

8. So much of the said Charter as provides that every President, Vice-President, Governor, Treasurer and Secretary of the said Corporation shall take an oath of office, is hereby repealed.

Quorum of Governors.

9. The Quorum of the Board of Governors for the transaction of all business is hereby reduced to five; and the presence of the President or Vice-President shall not be necessary to constitute such Quorum.

Present By-laws continued.

10. The present By-laws of the said Corporation, in so far as they may not be contrary to any provision of the said Charter as hereby amended, or to law, shall remain in force until duly repealed or amended.

Board of Governors may make By-laws for certain purposes, and may repeal or amend them.

11. The said Board of Governors shall have power hereafter to provide by By-law, from time to time, for any changes which may be deemed expedient as to the time prescribed by the said Charter for holding the annual meetings of the said Corporation, or as to the notice thereby required to be given for such meetings, or as to the rule of voting at such meetings thereby prescribed, or as to the mode therein indicated for the summoning of meetings of the said Board of Governors, as also for any lowering of the qualification hereinbefore set forth of elected Governors, which may be deemed expedient, or for the

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the requiring of any larger Quorum of the said Board of Governors than is hereinbefore set forth, whether for transaction of business generally, or of any particular descriptions of business, as may be deemed expedient, and generally for all other matters and things whatsoever appertaining to the affairs of the said Corporation; and they may repeal or amend all such By-laws; Provided always, that no By-law, and no repeal or amendment of any By-law, shall take effect until after approval thereof by vote of the members of the said Corporation, at an annual or special meeting of the Corporation duly called. Proviso.

12. The said Corporation shall at all times when thereunto required by the Governor or by either branch of the Legislature, make a full return of its property, real and personal, and of its receipts and expenditure, for such period and with such details and other information, as the Governor or either branch of the Legislature may require. Corporation to make returns to the Legislature.

13. This Act shall be deemed a Public Act. Public Act.

CAP. CXVII.

An Act to amend the Charter of the Canadian Literary Institute of Woodstock.

[*Assented to 4th May*, 1859.]

WHEREAS the Canadian Literary Institute of Woodstock have prayed to be empowered to raise a certain sum of money, not exceeding four thousand dollars, on the property held by the Corporation, and it is expedient to grant their prayer: Therefore, Her Majesty, by and with the advice and consent of the Legislative Council and Assembly of Canada, enacts as follows: Preamble.

1. It shall be lawful for the said Corporation to raise by way of loan, for the purposes of the said Corporation, any sum of money not exceeding four thousand dollars, for the purpose of completing their buildings, and for securing the re-payment of the said sum to grant a mortgage on the property of the said Corporation, by deed under the corporate seal thereof; any thing in the Act incorporating the said Company to the contrary notwithstanding. The said Corporation created by 20 V. c. 217, may raise money by mortgage of its property.

2. The mortgagee shall not be bound to see to the application of the money. Application of money so raised

3. This Act shall be deemed a Public Act. Public A

CAP.

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CAP. CXVIII.

An Act to amend the Act incorporating the Natural History Society at Montreal.

[*Assented to 4th May*, 1859.]

Preamble.

WHEREAS the Natural History Society of Montreal have represented, by their petition to the Legislature, that inconveniences have arisen from certain provisions of the Act of the Parliament of Lower Canada, Second William the Fourth, chapter sixty-five, which incorporates the said Society, and have prayed that the said Act be amended, and it is expedient to grant their prayer: Therefore, Her Majesty, by and with the advice and consent of the Legislative Council and Assembly of Canada, enacts as follows:

Act of L. C. 2 W. 4, c. 65.

Sect. 11 repealed.

1. The eleventh section of the said Act is hereby repealed.

Quorums for different purposes.

2. Notwithstanding any thing in the said Act contained, the quorum of seven members required at any ordinary meeting for the transaction of the usual business thereof, shall be a competent quorum for the election of any ordinary members of the said Society; and a quorum of twelve members at any such meeting shall be a competent quorum for the election of any corresponding or honorary members of such Society.

Amount of personal property to be unlimited.

Real property.

3. Notwithstanding any thing in the said Act contained, the said Society shall be capable of holding personal estate, without limit as to the value or income thereof; and also of acquiring, by gift, devise or bequest, if made at least six months before the death of the party making the same, any real estate or any interest therein, beyond the limit prescribed by the said Act, and of holding the same for a period of not more than five years, and the same, or any portion thereof, or interest therein, which may not within the said period have been alienated, shall revert to the party from whom the same was acquired, his heirs, or other representatives.

Power to make By-laws for certain purposes.

4. The said Society shall have power and authority to make and enforce such by-laws, rules and regulations for the admission of the public to the use of their Library and the inspection of their Museum, at such hours and upon such terms of admission, by payment of fees or otherwise, and subject to such restrictions as to them shall seem meet, and the same from time to time to vary, alter or amend, as shall be found necessary or expedient.

Public Act.

5. This Act shall be deemed a Public Act.

CAP.

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CAP. CXIX.

An Act to incorporate *La Société Historique de Montréal.*

[*Assented to 4th May*, 1859.]

WHEREAS Messrs. H. A. Verreau, R. Bellemare, J. U. Beaudry, L. A. H. Latour, George Baby and others, have associated themselves for the purpose of collecting and publishing documents relative to the History of Canada, and have petitioned for an Act to incorporate them to carry out the said object: Therefore, Her Majesty, by and with the advice and consent of the Legislative Council and Assembly of Canada, enacts as follows: **Preamble.**

1. The said H. A. Verreau, R. Bellemare, J. U. Beaudry, L. A. H. Latour, George Baby and such others as are now members of the said Association, together with such other as shall hereafter become members thereof, according to the provisions of this Act and the rules of the said Association, shall be and they are hereby declared to be a body corporate and politic, in name and in fact, by the name of *La Société Historique de Montréal*, and all corporate rights and powers which by law or by any Act are vested in bodies corporate generally, shall vest in such Corporation, as if the same had been specially mentioned in this Act. **Incorporation, and corporate name and powers.**

2. The said Corporation shall have power to acquire and hold real property to the extent of four thousand dollars, and no more, for its own use and for the objects legitimately connected with their aforesaid purpose and no other. **Real property.**

3. The By-laws and regulations of the said Association in so far as they are not inconsistent with this Act, shall be the By-laws and regulations of the said Corporation until repealed or altered in the manner hereinafter provided, and the officers of the said Association shall be the officers of the Corporation hereby created until others are appointed or elected in their stead according to the By-laws of the Corporation. **By-laws and Officers.**

4. The affairs of the said Corporation shall be managed by the majority of the *quorum* thereof, as fixed, from time to time, by the members thereof, who shall elect from among themselves a President, a Vice-President, a Treasurer, a Librarian and a Secretary, who shall remain in office until they are replaced or cease to belong to the said Society; and the majority of the said *quorum* may authorize the President or Vice-President, or any other officer to sign and countersign any act or document; and any such act or document so signed and sealed with the seal of the said Corporation shall be deemed the act of the said Corporation. **How the affairs of the Society shall be managed.** **Acts of the Society.**

5.

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By-laws may be amended.

5. The said Corporation or the majority of the *quorum* thereof may from time to time amend or alter the rules and regulations of the same.

Non-liability of members.

6. The members of the said Corporation shall not be personally liable over and above what they shall be bound to pay according to the rules of the said Corporation.

Public Act.

7. This Act shall be deemed a public Act.

CAP. CXX.

An Act to incorporate the Montreal Library Society.

[*Assented to 4th May*, 1859.]

Preamble.

WHEREAS William Henry Hingston and Thomas Walter Jones, Doctors of Medicine, John William Dawson, Doctor of Laws, and Thomas Cramp, Henry Thomas, William E. Phillips, William Nivin, Alfred Rimmer, John Leeming, John Greenshields, William Henry, Allan Davies, Alexander Morris and James Ferrier, the younger, Esquires, have by petition set forth, that there does not exist in the City of Montreal any Public Library at all commensurate with the literary, scientific and educational wants thereof; that in order to the formation and permanent maintenance of such Library, it is necessary that a Society should be incorporated to that end with all needful powers for the raising of capital and the acquisition and holding of real property and otherwise; and that they are desirous of being so incorporated, under the name of the "Montreal Library Society;" And whereas it is expedient to grant their prayer: Therefore, Her Majesty, by and with the advice and consent of the Legislative Council and Assembly of Canada, enacts as follows:

The Petitioners and others incorporated.

1. The said William Henry Hingston, Thomas Walter Jones, John William Dawson, Thomas Cramp, Henry Thomas, William E. Phillips, William Nivin, Alfred Rimmer, John Leeming, John Greenshields, William Henry, Allan Davies, Alexander Morris and James Ferrier, the younger, and all other persons who may by virtue of this Act replace or be united with them, shall be and they are hereby constituted a body politic and corporate, under the name of the "Montreal Library Society," for the establishing and maintenance of a Public Library, in the said City of Montreal, and under the said name shall have power to acquire for themselves and their successors, under any legal title whatever, such real estate as they may require for their actual occupation as such Library Society, and may sell and alienate any real estate held by them, and acquire other instead thereof for the purposes of this Act; and may acquire any other real estate or interest therein, by gift, devise or bequest, if made at least six months before the death

Corporate name and powers.

Real property for actual use.

Proviso: as to real estate not

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death of the party making the same, and may hold such estate for a period of not more than five years, but the same or any part or portion thereof or interest therein which may not within the said period have been alienated, shall revert to the party from whom the same was acquired, his heirs or other representatives.

required for actual use of the Corporation.

2. The said Corporation shall have power to administer their affairs by such and so many Directors and other officers, and under such restrictions as touching their powers and duties as by By-law in that behalf they may from time to time ordain; and they may assign to any of such officers such remuneration as they may deem requisite.

Administration of affairs of Corporation.

3. The said Corporation shall have power to make all such By-laws, not contrary to law, as they shall deem expedient, for the government thereof, the maintenance and due regulation of their Library, and of such Museum, Gallery of Art, Reading-room, and other subsidiary undertakings of the like description as they may attach thereto,—the raising of capital by the issue of transferable shares or otherwise,—the conditions under which such shares shall be issued, and may be transferred or forfeited,—and the administration of their affairs generally,—and may amend and repeal such By-laws from time to time, observing always, however, such formalities of procedure as by such By-laws may have been prescribed to that end, and generally shall have all needful corporate powers for the purposes of this Act.

Power to make By-laws for certain purposes.

General purposes.

4. All the revenues of the said Corporation, from whatever source they may be derived, shall be devoted exclusively to the maintenance of the said Corporation, and of such Library and other subsidiary undertakings thereof as aforesaid, and to the acquisition, improvement and repair of the buildings and other real estate required to that end, and to no other purpose whatever.

Revenue to be applied solely to certain purposes.

5. The said Corporation on the one hand, and the University of McGill College, or any other educational or literary or scientific Institution on the other, may at all times enter into and carry out any agreement which they may deem expedient, with a view to co-operation in the care or use of their respective Libraries, Museums, Apparatus, or other Collections, or otherwise to the furtherance of the objects of the said Corporation.

Corporation may co-operate with other institutions for like purposes.

6. The said Corporation shall at all times when thereunto required by the Governor or by either branch of the Legislature, make a full return of its property, real and personal, and of its receipts and expenditure, for such period and with such details and other information as the Governor or either branch of the Legislature may require.

To make returns to the Legislature.

7. This Act shall be deemed a Public Act.

Public Act.

CAP.

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CAP. CXXI.

An Act to incorporate the *Wesleyan Female College*, of Dundas.

[*Assented to 4th May*, 1859.]

Preamble.

WHEREAS there now exists in the Town of Dundas, in the County of Wentworth, an institution known as the Wesleyan Female College; And whereas several of the inhabitants of Dundas have by their petition to the Legislature of this Province prayed that with a view of promoting Female Education in this Province, the said Institution may be incorporated under the name of the *Wesleyan Female College*, and it is expedient to grant their prayer: Therefore, Her Majesty, by and with the advice and consent of the Legislative Council and Assembly of Canada, enacts as follows:

Trustees of said College incorporated.

1. Thomas Howe, James Coleman, Hugh Moore, Aaron Nash, James B. Graften, Edward Jackson, John Neff, William Boice and the Rev. Samuel Rose, and their successors in office (to be appointed as hereinafter enacted,) shall be and are hereby appointed Trustees for the said College on behalf of the stockholders, who have or may subscribe for or take stock for the purchase of land and buildings, or the erection of buildings, the purchase of furniture and other outlays for said College, and shall be a body politic and corporate by the name of the *Trustees of the Wesleyan Female College*, and shall by that name have perpetual succession and a common seal, with power to alter, renew or change the same at pleasure, and shall by the said name have power to purchase, acquire, hold, possess and enjoy, for themselves and their successors in office under any legal title whatever, such real estate as may be required and necessary for the actual occupation of the said College, and to sell and alienate the same and acquire other in their stead for the purposes of this Act.

Corporate name and general corporate powers.

By-laws.

2. For the administration and government of the said College, the said Trustees may make such By-laws, not contrary to law, as they deem expedient, and the same may amend or repeal, and generally shall have all necessary corporate powers for the purposes of this Act; Provided always, that the said Corporation may acquire any other real estate, or any interest therein, by gift, devise or bequest, if made at least six months before the death of the party making the same, and the Corporation may hold such estate for not more than three years, and the same or any part or portion thereof or interest therein which may not within the said period have been alienated and disposed of, shall revert to the party from whom the same was acquired, his heirs or other representatives; And provided also, that the proceeds of such property as shall have been disposed of during the said period may be invested in the public securities of the Province, stocks of chartered Banks, mortgages, or other approved securities for the use of the said Corporation.

Proviso: as to real estate.

Proviso: as to proceeds of real estate sold.

3.

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3. In order to assist in the moral government of the Institution, the superintendent Minister for the time being of the Wesleyan Methodist Church on the Dundas Circuit, shall be an *ex officio* member of the Board of Trustees; and the Board of Trustees shall have power to elect the Faculty of the Institution, form regulations and By-laws, prescribe the course of study, attend examinations, and regulate the government and instruction of the students, and fill all vacancies that may occur in their Board, for the interval only which may elapse before the next annual meeting of the Stockholders.

Ex officio member of the Board of Trus- Powers of Board.

4. There shall always be nine Trustees of the said Corporation, excepting when a vacancy or vacancies occur, which vacancy or vacancies, whether caused by death, resignation or removal, shall be supplied as aforesaid within two months after they may happen; and four of the said Trustees shall constitute a quorum for the transaction of business.

Number of Trustees. Quorum.

5. All the revenues of the said Corporation, from whatever source they may be derived, shall be devoted exclusively to the maintenance of the College and to the furtherance of education, and to no other purpose.

Application of funds of the Corporation.

6. It shall be the duty of the Board of Trustees to present to the annual meeting, to be convened as hereinafter enacted, a full report in writing of the financial and educational state of the said College.

Report to annual meeting.

7. There shall be an annual meeting of the subscribers to the capital stock of the said College, held in the Town of Dundas, on the second Tuesday in July in each and every year, (the first to be convened by the Secretary of said Board of Trustees,) to receive the report of the Trustees and to appoint their successors in office, and after the appointment of Trustees to select from the said Trustees a Chairman and Secretary, who shall act as such both in the Trustee Board and at the general meetings of stockholders until their successors are appointed, and to give any other directions and make any other arrangements that may be deemed necessary for the interests of the said College; Provided always, that all elections for officers shall be by ballot, and each shareholder shall be entitled to as many votes as he owns paid up shares of stock in the Company, and no person shall be eligible to hold office unless he holds at least one share of paid up stock to the amount of twenty dollars in the College.

Annual meeting of subscribers. Chairman and Secretary. Proviso: election to be by ballot.

8. Every stockholder shall be liable to the Trustees of the said College for the payment of the full amount subscribed by him, at the time or times agreed upon between the subscriber and the Trustees, and in the event of any of the stockholders failing in the due performance of such agreement and in the payments thereby promised and subscribed for, then and in such case (the

Payment of subscriptions.

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(the party having first received one month's notice in writing from the Secretary to that effect,) it shall be optional with the stockholders at their next annual meeting to authorize the Board of Trustees either to declare the stock so subscribed for and not paid in full or in part, cancelled and forfeited, or to take legal proceedings against the defaulting party for the amount due; Provided always, that such forfeiture shall be a release to the party from all liability to the Board of Trustees in respect of the shares so forfeited, and further that the liability of any stockholder for or on account of the said College shall not exceed the amount of stock actually subscribed for by such stockholder, and the interest which may be due on the unpaid portion thereof if any.

Proviso.

Liability of subscribers limited.

By-laws, property, &c., of the Institution to become those of the Corporation.

9. The By-laws or rules of the said Institution, at the time of the passing of this Act, not being contrary to law, shall be By-laws of the said Corporation until amended and repealed under this Act; the property, rights and liabilities of the said Institution shall become the property, rights and liabilities of the said Corporation, and all subscriptions to the stock or funds of the said Institution shall remain valid as subscriptions to the stock or funds of the said Corporation, and may be recovered and dealt with as such.

Trustees to retire by rotation.

10. Three of the Trustees shall retire annually from office but shall be eligible to be immediately re-elected; the three first on the list shall retire the first year and the next three the second year, and so on in rotation.

Corporation to report to the Governor when called upon.

11. It shall be the duty of the said Corporation, at all times when they may be called upon so to do by the Governor of this Province or by either House of Parliament, to render an account in writing of their property and affairs, in which shall be set forth the income by them derived from property held under this Act and the means by which the same has been acquired, also the number of members of the said Corporation, the number of teachers employed in the various branches of instruction, the number of scholars under instruction, the course of instruction pursued, and all other particulars of information which may be called for.

Public Act.

12. This Act shall be deemed a Public Act.

CAP.

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CAP. CXXII.

An Act to incorporate the British and Canadian School Society of Montreal.

[*Assented to 4th May*, 1859.]

Preamble.

WHEREAS the Honorable Peter McGill, and William Lunn, John Frothingham, David Torrance, John Torrance, David Davidson, Charles Phillips, Henry Thomas, Robert Esdaile, John Greenshields, John G. Mackenzie and Benjamin Holmes, all of the City of Montreal, Esquires, have by petition set forth, that as long ago as the year one thousand eight hundred and twenty-two, divers of them, the said petitioners, and others who by reason of death or otherwise have since ceased to act with them the said petitioners in the premises, associated themselves together for the purpose of establishing and maintaining certain public schools, under the designation of *The British and Canadian School Society of Montreal*, and ever since have, by voluntary contributions, raised considerable sums of money for that purpose, and have maintained certain Public Schools, to the great advantage of the public; That in the year one thousand eight hundred and twenty-six, partly with moneys so raised, and partly with moneys granted from time to time, by the then Provincial Parliament of Lower Canada, the parties so associated together acquired certain valuable real estate in the said City, in the names of the Honorable Louis J. Papineau, of Petite Nation, Esquire, of the said William Lunn, and of the late Honorable Pierre de Rocheblave, of the said City of Montreal, Esquire, as Trustees; that there have since been erected on the said property valuable school buildings, which have been and now are in use for the purposes of the said Public Schools; that the said petitioners and their associates, nevertheless, have never been and are not now an incorporated body, and the said property is consequently in danger of being diverted from such use; that they are desirous to continue and extend their efforts in the cause of education under the safeguard of an Act of incorporation; and that they therefore pray to be incorporated under the name aforesaid; And whereas it is expedient to grant their prayer: Therefore, Her Majesty, by and with the advice and consent of the Legislative Council and Assembly of Canada, enacts as follows:

The Petitioners and others incorporated.

1. The said Peter McGill, William Lunn, John Frothingham, David Torrance, John Torrance, David Davidson, Charles Phillips, Henry Thomas, Robert Esdaile, John Greenshields, John G. Mackenzie, Benjamin Holmes, and all other persons who may by virtue of this Act replace or be united with them, shall be and they are hereby constituted a body politic and corporate, under the name of *The British and Canadian School Society of Montreal*, and under the said name shall be, and they hereby are

Corporate name and powers.

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Property of former association transferred to it;—property for actual use.

are declared to be, seized as proprietors of the said real estate so heretofore held in trust as aforesaid, and may take from the said trustees or their representatives such deed thereof or evidence of title thereto as may be deemed advisable, and shall have power to acquire for themselves and their successors, under any legal title whatever, such other real estate as may be required and necessary for the actual occupation of the Public Schools presently established or hereafter to be established by them, and may sell and alienate any real estate held by them, and acquire other instead thereof for the purposes of this Act; and for the administration and government of the said Corporation and of the Schools thereof they may make such By-laws not contrary to law as they shall deem expedient, and may amend or repeal the same from time to time, and generally shall have all necessary corporate powers for the purposes of this Act; Provided always, that the said Corporation may acquire any other real estate or any interest therein, by gift, devise or bequest, made six months or more before the death of the donor or testator, and may hold such estate for a period of not more than five years, but the same or any part thereof or interest therein which may not within the said period have been alienated, shall revert to the party from whom the same was acquired, his heirs or other representatives; And provided also, that the proceeds of such real estate as shall have been so disposed of during the said period, may be invested in the public securities of the Province, stocks of Chartered Banks, mortgages or other approved securities, for the use of the said Corporation.

By-laws.

General powers.

Proviso: as to real estate not required for actual use of the Corporation.

Investing moneys of the Corporation.

Revenue to be applied solely to certain purposes.

2. All the revenues of the said Corporation, from whatever source they may be derived, shall be devoted exclusively to the maintenance of the said Corporation, and the furtherance of education in the schools thereof, and the acquisition, improvement and repair of the buildings required to that end, and to no other purpose whatever.

Administration of affairs of Corporation.

3. The said Corporation shall have power to administer their affairs by such and so many Directors and other officers, and under such restrictions in respect of their powers and duties, as by By-law in that behalf they may from time to time ordain; and they may assign to any of such officers such remuneration as they may deem requisite.

To make returns to the Legislature.

4. The Corporation shall at all times, when thereunto required by the Governor or by either branch of the Legislature, make a full return of its property, real and personal, and of its receipts and expenditure for such period, with such details and other information as the Governor or either branch of the Legislature may require.

Public Act.

5. This Act shall be deemed a Public Act.

CAP.

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CAP. CXXIII.

An Act to incorporate the Roxton Academy.

[*Assented to 4th May*, 1859.]

WHEREAS certain inhabitants of the Township of Roxton, have, by their petition to the Legislature, prayed to be incorporated under the name of the "Roxton Academy," and it is expedient to grant their prayer: Therefore, Her Majesty, by and with the advice and consent of the Legislative Council and Assembly of Canada, enacts as follows: Preamble.

1. The Reverend Jacques Denis Michon, Missionary of the Township of Roxton, Alfred Rocque, François Bousquet, Pierre Favreau and Laurent Carron, School Commissioners of, and residents in the Township of Roxton, and such other persons as shall succeed them as Missionary or Curé of Roxton and School Commissioners, as soon as they shall be appointed and elected to the said offices respectively, and also, Narcisse Martineau, Hyacinthe Dubrule, Martial Major, Pierre Roch Célérier, and the Senior Professor of the Academy, shall be and are hereby constituted a body politic and corporate in deed and in name, by the name of the "Roxton Academy," and may by that name at all times hereafter contract generally, and may purchase, acquire, accept, receive, hold and possess, for themselves and their successors for the use of, or on behalf of the said Corporation, any lands, tenements and hereditaments situate in this Province, which shall be necessary for the actual occupation of the said Corporation, for the purposes of the said Institution; and may sell and alienate the same, and acquire others in their stead by any title whatsoever for the same purposes; and the said Corporation may acquire any other real estate, or any interest therein, by gift, devise or bequest, if made at least six months before the death of the party making the same, but shall not hold the same more than five years, and the same or any part or portion thereof or interest therein which may not within the said period have been alienated or disposed of, shall revert to the party from whom the same was acquired, his heirs or other representatives; and they shall have full power and authority to make and establish such By-laws as they shall deem expedient for the good government of the said Academy, and the conducting in all things of the affairs of the Corporation, and which By-laws shall not be repealed or altered except only in such manner and by such number of votes as shall have been fixed when they were made and passed at the general meetings of the Corporation, which shall be called by their Secretary-Treasurer, by order of the President and of two members of the Corporation, and at which meetings four members shall form a quorum; and the said Corporation shall have power to appoint such officers and to adopt

Certain persons incorporated.

Corporate name and powers.

What real property the Corporation may hold.

To make By-laws for certain purposes

To appoint officers, &c.

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Proviso.

adopt such measures as may be calculated to promote education, for which purpose the Corporation is constituted; Provided always, that nothing in any such By-laws, regulations or measures as aforesaid, shall be inconsistent with this Act or with the laws in force in this Province.

Vacancies.

2. Vacancies among the members of the Corporation other than the Commissioners shall be filled by the Corporation from time to time.

Exclusive application of funds to educational purposes.

3. All the revenues and income of the said Corporation shall be applied exclusively to the support of the said Academy and the furtherance of education therein, and to the construction, improvement or repairing of the buildings required for the purposes of the Corporation, in such manner as the members shall consider best adapted to the said purposes.

As to union with Elementary Schools.

4. The Corporation shall have power to enter into an agreement with the School Commissioners of their School Municipality for the union of the Elementary School with the Academy, and the Commissioners are authorized to that effect by this Act.

Meetings of the Corporation; election of President, &c.

5. The members of the Corporation shall yearly, at the annual meeting to be held in the month of July, or at the next meeting thereafter, elect one of their number to be the President of the Corporation; and the Corporation shall have power to appoint masters or teachers in the said Academy, and to fix their remuneration, and from time to time to remove any of them and appoint others in their stead.

Returns to the Governor, &c.

6. The said Corporation shall at all times, when thereunto required by the Governor or by either branch of the Legislature, make a full return of its property, real and personal, and of its receipts and expenditure, for such period, and with such details and other information, as the Governor or either branch of the Legislature may require.

Public Act.

7. This Act shall be deemed a Public Act.

CAP. CXXIV.

An Act to incorporate the Association for the education of the colored people of Canada.

[*Assented to 4th May*, 1859.]

Preamble.

WHEREAS a charitable Association has for some time past existed in this Province, under the name of "The Provincial Association for the education and elevation of the colored people of Canada," having for its object the education of the colored youth of this Province, and their training and preparation

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preparation for the active duties of life; And whereas it is expedient to incorporate the said Association with the usual powers of bodies incorporated for like purposes: Therefore, Her Majesty, by and with the advice and consent of the Legislative Council and Assembly of Canada, enacts as follows:

Certain persons incorporated.

1. Dr. A. T. Augusta, A. Judah, W. R. Abbott, J. M. Tinsley, H. Montier, S. Goutier, B. Gross, Wm. Richardson, G. Boyd, Isaac N. Cary and J. Mink, the present Trustees of the said association, and such other persons as now are or shall hereafter become members thereof, under the provisions of this Act, and the By-laws made under the authority thereof, and their successors, shall be and they are hereby constituted a body politic and corporate, by the name of the "Association for the education of the colored people of Canada," and may by that name sue and be sued, implead and be impleaded, answer and be answered, defend and be defended, in all Courts of Law and places whatsoever, and by that name they and their successors shall have perpetual succession, and may have a common seal, and may break, change, alter or renew the same at pleasure, and shall have power to purchase, take, receive, hold and enjoy such real estate as may be required for the actual occupation of the said Corporation, and to alienate, sell, convey, lease, or otherwise dispose of the same, or any part thereof, from time to time, and as occasion may require, and to acquire other instead thereof; Provided always, that the said Corporation may acquire any other real estate or any interest therein, by gift, devise or bequest, if made at least six months before the death of the party making the same, and the Corporation may hold such estate for a period of not more than five years, and the same or any part thereof or interest therein which may not within the said period have been alienated and disposed of, shall revert to the party from whom the same was acquired, his heirs or other representatives; And provided also, that the proceeds of such property as shall have been disposed of during the said period, may be invested in the public securities of the Province, stocks of chartered Banks, mortgages, or other approved securities, for the use of the said Corporation.

Corporate name and powers.

Proviso: real property limited.

Proviso: the Corporation may accept other property on condition of disposing of it within a certain time.

Proviso: for investment of proceeds.

Board of Trustees to be elected yearly.

2. The affairs and business of the said Corporation shall be managed by a board of eleven Trustees, to be elected annually at a general meeting of the members of the said Corporation, to be held on the third Monday in January in each year; and within one week after their said election the said Board of Trustees shall elect from among their number a President, Vice-President, Treasurer and Secretary; Any seven members of such Board of Trustees shall be a quorum for the transaction of business; The Trustees at present in office shall be and continue such Trustees until the first general meeting under this Act for the election of Trustees.

Quorum.

Present Trustees.

3.

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Rules, regulations and By-laws may be made by members.

3. The members of the said Corporation, for the time being, shall have full power and authority to make and establish such rules, regulations and by-laws, in no respect inconsistent with this Act, nor with the laws then in force in this Province, as they may deem expedient and necessary for the interests and administration of the affairs of the said Corporation, and for the admission of members thereof; and the same to amend and repeal from time to time, in whole or in part.

Property of present association transferred.

4. All real and personal estate the property of the said Association, and all the debts, claims, and rights thereof, shall be, and they are hereby transferred to the Corporation constituted by this Act; and the said Corporation shall be charged with all the liabilities and obligations of the said Association; and the rules, regulations, and by-laws, now or hereafter to be established for the management of the said Association, so far as the same are not contrary to law, shall be and continue to be the rules, regulations, and by-laws of the said Corporation, until altered or repealed in the manner prescribed by this Act.

Members competent as witnesses.

5. In any action or suit brought by or against the Association, upon any contract, or for any matter or thing whatsoever, any member thereof shall be competent as a witness; and his testimony shall not be deemed inadmissible on account of interest.

Failure to hold election not to operate dissolution of Corporation.

6. In case it should at any time happen that an election of officers should not be made on any day when, pursuant to this Act, it ought to have been made, the said Corporation shall not for that cause be deemed to be dissolved; but it shall and may be lawful, on any day, to hold and make an election of officers in such manner as shall be regulated by the by-laws and ordinances of the said Corporation.

Corporation may not establish separate schools for coloured people.

7. This Act shall not be construed in any way to admit of the establishment of separate schools, academies, or colleges for colored people; and the trustees of the Corporation shall have no power to build, buy, or rent any building to be used as such, but in all cases shall send all persons whom they may undertake to educate to the different schools, academies and colleges now or which may hereafter be established in the Province; Provided that such schools, academies and colleges are not set apart as separate for colored persons.

Proviso.

Public Act

8. This Act shall be deemed a Public Act.

CAP.

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CAP. CXXV.

An Act to incorporate the Ladies' Protestant Home of Quebec.

[*Assented to 4th May*, 1859.]

Preamble.

WHEREAS an Association has existed for several years in the City of Quebec, in this Province, under the name of the *Quebec Ladies' Protestant Relief Society*, for the purpose of affording relief and support to the destitute poor in the said City; And whereas, the said Association is composed of the several persons hereinafter mentioned, who have by their Petition represented that their success in carrying out their benevolent projects aforesaid, as well as providing a "Home" for the friendless and unprotected, would be greatly augmented by their legal incorporation, and have prayed that they and their successors may be incorporated under certain regulations and provisions hereinafter mentioned: Therefore, Her Majesty, by and with the advice and consent of the Legislative Council and Assembly of Canada, enacts as follows:

Certain persons incorporated.

1. Eliza Stewart, Caroline Newton, Mary Ann Bankier, Harriet Newton, Margaret Newton, Louisa Stewart, Ann Sheppard, Jane White, Caroline Gilmour, Mary Chaderton, Sarah Walker Veasey, Myrrha Austin, Lavinia Sewell, Henrietta Blatherwick, Mary Powis, Mary Richardson, Frances Tremain, Gertrude Sewell, Sophy Griffin, Jane Durnford, Matilda Ward, Elizabeth Drum and Jessy Cradock, and such other persons as shall under the provisions of this Statute become members of the said Association, shall be and are hereby declared to be a body politic and corporate, in deed and in name, by the name of the *Ladies' Protestant Home of Quebec*, and by that name shall have perpetual succession, and a common seal, and shall have power from time to time to alter, renew or change such common seal at their pleasure, and shall, by the same name from time to time, and at all times hereafter, be able and capable to acquire, hold, possess and enjoy for the purposes of this Act, by any title whatsoever, any moveable property whatsoever, and also any real or immoveable property or estate, lying and being within this Province, and requisite and necessary for their actual occupation, and the same to sell, alienate and dispose of as they shall consider for the advantage and interest of the said Corporation, and to purchase and acquire others in their stead, and the said Corporation may further acquire any other real estate, or any interest therein by gift, devise or bequest, if made at least six months before the death of the party making the same, and the Corporation may hold such estate for a period of not more than three years, and the same or any part or portion thereof, or interest therein, which may not within the said period have been alienated or disposed of, shall revert to the party from whom the same was acquired, his heirs or other representatives; provided always that the proceeds of such property

Corporate name and powers.

What real estate the Corporation may hold.

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property as shall have been disposed of during the said period may be invested in the public securities of the Province, stocks of Chartered Banks, mortgages or other approved securities for the use of the said Corporation; and the said persons by the same name shall and may be able and capable in law to sue and be sued, implead and be impleaded, answer and be answered unto in all Courts of Law and Equity and places whatsoever, in as large, ample and beneficial a manner as any other body politic or corporate, or as any persons may and can do in any manner whatsoever, and shall have power and authority to make and establish such By-laws, rules and regulations, not being contrary to this Statute or to the laws in force in this Province, as shall be deemed useful or necessary for the interests of the said Corporation, or for the management thereof, and for the admission of members into the said Corporation, and from time to time to alter and amend, repeal or change the said By-laws, rules and regulations, or any of them, and shall and may do, execute and perform all and singular other the matters and things relating to the said Corporation and the management thereof, or which shall or may appertain thereto, subject nevertheless to the rules, regulations, stipulations and provisions hereinafter prescribed and established.

To make By-laws.

General powers.

Transfer of property and obligations from the Association to the Corporation, and present Officers continued, until, &c.

2. All and every the estate and property, real and personal, now belonging to the said association, and all debts, claims and rights whatsoever due to the said association, shall be and are hereby vested in the Corporation hereby established, and the said Corporation shall also be liable for all the debts and engagements of the said association; and the present Directresses, Managers, Secretary and Treasurer, shall be and continue to be the Directresses, Managers, Secretary and Treasurer of the said Corporation, until others shall be elected in their stead; And the By-laws, rules, orders and regulations now in force for the management of the Association herein first mentioned, not contrary to this Act, or to the laws of this Province, shall be and continue to be the By-laws, rules, orders and regulations of the said Corporation until altered or repealed in the manner herein provided; and the said By-laws, rules, orders and regulations shall be submitted to the members of the said Society for their approval and confirmation, at the first general meeting, at which they may be confirmed, rejected, altered, or amended, or new rules substituted for them, without any previous notice.

Present By-laws, &c.

To be submitted to a general meeting.

Married members need not be authorized by their husbands, &c.

3. It shall not be necessary to the validity of any act performed by any married woman, as a member of the said Corporation, or to her becoming such, that she be thereunto specially authorized by her husband; any law, usage or custom to the contrary notwithstanding.

Corporation to make returns

4. The Corporation shall at all times, when thereunto required by the Governor or either branch of the Legislature, make

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make a full return of its property, real and personal, and of its receipts and expenditure for such period, and with such details and other information as the Governor or either branch of the Legislature may require. to the Governor or Legislature when called upon.

5. This Act shall be deemed a Public Act. Public Act.

CAP. CXXVI.

An Act to amend the Act incorporating the Toronto Horticultural Society.

[*Assented to 4th May*, 1859.]

WHEREAS it is expedient to amend the Act hereinafter mentioned: Therefore, Her Majesty, by and with the advice and consent of the Legislative Council and Assembly of Canada, enacts as follows: Preamble.

1. The fourth section of the Act passed in the twentieth year of Her Majesty's Reign, chapter one hundred and eighty-one, *to incorporate the Toronto Horticultural Society*, is hereby repealed, together with so much of the first section of the said Act as refers thereto. Section 4 of 20 V. c. 181, repealed.

2. From and after the passing of this Act, the said Society shall consist of Ordinary Members and Fellows, including the persons named in the said first section, and Henry Croft, J. E. Small, S. Heward, W. B. Phipps, the Reverend Henry Hope, the Reverend William Hincks, J. E. Pell, Thomas Maclear, J. M. Herschfelder, J. Ashby, Rice Lewis, W. A. Baldwin, W. B. Sullivan, J. E. Ellis and J. Tileman. Of what members the Corporation shall consist.

3. An annual subscription of two dollars shall constitute the party subscribing an Ordinary Member. Ordinary members.

4. An annual subscription of not less than five dollars, or a subscription in one sum of not less than fifty dollars, shall constitute the party so subscribing a Fellow of the Society. Fellows.

5. The Ordinary Members of the Society shall be entitled to admission to the exhibitions, and to compete for all prizes offered by the Society. Rights of ordinary members.

6. The Fellows of the Society shall have in addition the right of admission to the gardens, and such other privileges as the Society shall, by By-laws to be passed for that purpose from time to time, enact. Rights of Fellows.

CAP.

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CAP. CXXVII.

An Act to enable the Rector of the first Parsonage or Rectory within the Township of Drummond, in the County of Lanark, and the Church Wardens thereof, with the consent of the Bishop, to raise a loan on certain Church property for the purpose of finishing the Church thereof.

[*Assented to 4th May*, 1859.]

Preamble.

WHEREAS the Reverend Richard L. Stephenson, Master of Arts and Rector of the first Parsonage or Rectory within the Township of Drummond, in the County of Lanark, and Andrew W. Playfair and George Graham, the Church Wardens thereof, have, by their Petition to the Legislature, represented that the former Church thereof having been inadequate and being in a dilapidated condition, was taken down for the purpose of building another on the same site; And whereas a Church hath in a great part been built thereon, but cannot, for want of sufficient funds, be completed, and the petitioners have prayed for authority to raise a loan for the purpose of completing the said Church on the security of the lands hereinafter mentioned, which prayer it is expedient to grant: Therefore, Her Majesty, by and with the advice and consent of the Legislative Council and Assembly of Canada, enacts as follows:

The Rector, with the consent, &c., may raise money on the security of certain church property.

1. It shall be lawful for the said Reverend Richard L. Stephenson, or his successor or successors in office, as the Rector of the said first Parsonage or Rectory within the Township of Drummond, in the County of Lanark, and Andrew W. Playfair and George Graham, or their successors in office as Church Wardens, with the consent of the Lord Bishop of the Diocese wherein the said Parsonage or Rectory may be situate, for the time being, to borrow a sum or sums not exceeding in the whole eight thousand dollars, from such party or parties as may be willing to lend the same, and at such rate of interest and on such terms and conditions as may be agreed upon, for the purpose of completing the said new Church,—and for securing the repayment of the sum so borrowed, to mortgage, with the consent aforesaid, the lots of ground hereinafter described, that is to say: The whole of such part or parts of the north half of lot number six, on the north side of Craig street, and of lot number six, on the south side of Harvey street, in the Town of Perth, and also the east half of the Clergy Reserve lot number twenty-seven, in the ninth concession of the Township of North Elmsley, in the said County, containing one hundred acres, more or less; which said lots of land may be mortgaged as aforesaid, and the land may be seized in execution, sold by the Sheriff, and adjudged, and shall belong to and may be dealt with by the purchaser, in like manner as any other real property seized and sold in execution,

The property described, &c.

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execution, any law, usage, or custom to the contrary notwithstanding.

2. It shall be lawful for the said Reverend Richard L. Stephenson, or any of his Successors in office, as the Rector of the said first Parsonage or Rectory within the Township of Drummond, in the County of Lanark, and Andrew W. Playfair and George Graham, or their Successors in office as Church Wardens, with the consent of the Lord Bishop of the Diocese wherein the said Parsonage or Rectory may be situate for the time being, for the purpose of completing the said Church or of repaying any sum of money borrowed under the authority of this Act, or partly for each of such purposes, to sell the whole or any part or parts of the said north half of lot number six, on the north side of Craig street, and the whole or any part or parts of the said lot number six, on the south side of Harvey street, in the said Town of Perth, and also the whole or any part of the east half of the said Clergy Reserve lot number twenty-seven, in the ninth concession of the Township of North Elmsley, in the said County.

The Rector, with consent, &c., may sell certain land, to pay money borrowed under this Act.

3. This Act shall be deemed a Public Act.

Public Act.

CAP. CXXVIII.

An Act to relieve Lawrence William Mercer from a penal disability.

[*Assented to 4th May*, 1859.]

Preamble.

WHEREAS Lawrence William Mercer, late sheriff of the County of Norfolk, has been adjudged to forfeit his office as such Sheriff, by Her Majesty's Court of Queen's Bench for Upper Canada, under the provisions of the Imperial Statutes five and six Edward Sixth, Chapter sixteen, and forty-nine George Third, chapter one hundred and twenty-six; And whereas it is apparent that in the committal of the Act causing such forfeiture, the said Lawrence William Mercer acted under the advice of Counsel, and without any knowledge that he was committing any breach of the laws; And whereas under the circumstances it is desirable to relieve him from the disability under which he labors by reason of the said judgment, in respect of his capacity to hold office under the Crown: Therefore, Her Majesty, by and with the advice and consent of the Legislative Council and Assembly of Canada, enacts as follows:

1. For and notwithstanding anything in the said recited Acts or either of them contained, the said Lawrence William Mercer shall be and he is hereby relieved from any disability or disqualification imposed upon or incurred by him under the said recited Acts or either of them, and shall be and is hereby restored to his competency to take and hold any office in the gift

L. W. Mercer, relieved from any disqualification to hold office.

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gift of the Crown in this Province, in as full, ample and beneficial a manner as if he had never incurred the penalty of such disability and disqualification.

Public Act. 2. This Act shall be deemed a Public Act.

CAP. CXXIX.

An Act to enable the Trustees of the Estate of Charles Thompson, deceased, to mortgage and sell certain portions of his Real Estate.

[*Assented to 4th May*, 1859.]

Preamble. Recital of case. WHEREAS Charles Thompson, late of Summer Hill, in the Township and County of York, Esquire, died on or about the fifteenth day of February, one thousand eight hundred and fifty-eight, having first duly made and executed his last Will and Testament, in writing, dated on or about the thirteenth day of February, one thousand eight hundred and fifty-eight, and thereby appointed his sons-in-law, George Penny Dickson, of Elgin Mills, in the said County of York, miller, and John Coleman Griffith, of the City of Toronto, merchant, executors and trustees thereof, and guardians of such of his children as at the time of his death should be under the age of twenty-one years, and the said Charles Thompson thereby gave, devised and bequeathed unto his said Trustees, and the survivor of them, or the heirs, executors, administrators, or assigns of such survivor, all his real and personal estate, of what kind or nature soever, and wheresoever situate (except such real and personal estate as he might hold as trustee) to have and to hold to the said George Penny Dickson and John Coleman Griffith, and the survivor of them, and the heirs, executors, administrators, and assigns of such survivor, upon the trusts, and to and for the ends, intents and purposes hereinafter declared of and concerning the same, that is to say,—in trust, in the first place, to sell and dispose of so much and such parts of his said real and personal estate as might be necessary for the payment of his just debts (excepting such parts thereof as formed the Summer Hill estate, comprising Lot seventeen, in the second Concession of York, whereon he then resided, and Lot twenty, in the third Concession, with their respective appurtenances, and the household furniture and effects therein, which his desire was, should not be sold, but should be reserved and used as a place of residence for his wife and children, until the youngest of his said children should have attained the age of twenty-one years, or being a girl have married under that age,) and with the proceeds of the same to pay and discharge all his just debts and funeral expenses ;—Secondly, to pay to his wife Lucretia Williams Thompson, until the youngest of his said children should attain the age of twenty-one years, or being a daughter, should marry

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marry under that age, the interest, rents, issues and profits of such of his personal and real estate as should not have been sold for the payment of his debts, as the same should accrue due, to be applied by her for her and their maintenance, and the education and benefit of his said children, as she might think proper,—Thirdly, upon trust, after payment of his said debts, and of the said interest, rents, issues and profits to his said wife; and when and so soon as the youngest of his said children shall have so attained their said age of twenty-one years, or married under that age, to divide, according to their judgment or the judgment of the survivor of them, the remainder of his estate, into as many equal portions, according to the value and not quantity, as he should have children then living, or having died, leaving a child or children them surviving; and forthwith to assign, transfer and convey to each of his said children, and the child or children of each deceased child or children as aforesaid, his, her, or their heirs, executors, administrators and assigns, one of such equal portions of his estate, the child or children of any of his children so dying, taking the portion that his father or mother would have taken, had he or she been living at the time of such division:—And the said testator by his said Will declared, that it should and might be lawful, subject to the reservations therein contained, for the said trustees or the survivor of them, or the heirs, executors, administrators, or assigns of such survivor, or any substituted trustee or trustees, to sell and absolutely to dispose of all or any of his real or personal estate by private sale or public auction, and for cash or on credit, and upon such securities as to them should seem reasonable, and convey, assign and transfer such real or personal property to the purchaser or purchasers thereof, by such deed or deeds, conveyances or assurances in the law as should or might be requisite for the vesting of such estate in the purchasers or purchaser thereof, in accordance with the contract or contracts respecting the same, and the intention of the parties; And whereas by a Codicil to the said Will, dated on or about the thirteenth day of February, one thousand eight hundred and fifty-eight, the said testator stated that his eldest son Charles Thompson had, for some time then past, been and still then was in the State of California, one of the United States of America; and that he the said testator was desirous that upon his return to this Province, he should be a trustee and executor of his Will and guardian of his children who were under age, in addition to the trustees, executors, and guardians named therein; and that he had determined to nominate and appoint him co-executor, trustee, and guardian under his Will; accordingly the said testator did thereby direct and declare that his said Will should, when and so soon as his said son should return to this Province, be read and construed in the same manner, and should have the same operation and effect in all respects, as if his said son had been named and appointed a trustee and executor thereof, and guardian as aforesaid, together with and in addition to the said George Penny Dickson,

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Dickson and John Coleman Griffith; And in all other respects the said testator confirmed his said Will; And whereas the said Will and Codicil were duly proved, approved and registered by the said George Penny Dickson and John Coleman Griffith, on the thirtieth day of March, one thousand eight hundred and fifty-eight, in the then Court of Probate for Upper Canada, and the same have since been deposited in the Court of Chancery, pursuant to the Statute in such case made and provided; And whereas the said Charles Thompson, his son, has not returned to this Province, and is supposed to be still in California, and he has never assumed the performance of the duties and responsibilities of the Trusteeship of the said Will and Codicil; And whereas since the decease of the said testator, it has been discovered that he the said testator was largely indebted to various parties in mortgage, judgment and simple contract debts; such debts amounting in the whole to the sum of fifteen thousand pounds, or thereabouts; And whereas the said creditors are pressing their demands, and threaten and intend to sell the said property, designated as the Summer Hill estate in the said Will, which the majority of them have the power of doing, as well through the said mortgages as by executions, to a large amount, against lands, and writs of *venditioni exponas* have been placed in the hands of the Sheriff, and under which the Sheriff has advertised for sale the said Summer Hill estate, which sale, if forced and effected at the present time, under the authority of the Writs in the hands of the Sheriff, would be attended with great loss, if not total ruin to the estate, and to the great prejudice and injury of the infant children of the said testator, and the other parties, adults, entitled under his Will; And whereas, under the said Will, the said George Penny Dickson and John Coleman Griffith have no power to sell or mortgage the said Summer Hill estate, but are by the language of the Will restricted from so doing; And whereas the other property of the said Charles Thompson, the testator, is composed principally of wild lands, and against which mortgages and judgments are registered in the respective Counties in which the lands are situated, and the same are now unsaleable and unavailable; and even if they could be sold, would be wholly inadequate to pay off the debts of the said testator; And whereas Isabella Dickson, the wife of the said George Penny Dickson, Walter Thompson, and Olive Stowell Griffith, the wife of the said John Coleman Griffith, are respectively children of the said Charles Thompson, and Legatees under the said Will, and the only other parties entitled and interested under or in the devises and bequests in the said Will are the said Charles Thompson and Doyle Thompson, two sons of the said testator, both of whom are now, and for several years past have been resident in California aforesaid, and Sandford Thompson an infant of the age of eighteen years and upwards, George Clarence Thompson an infant of the age of fifteen years and upwards, Janet McMurrich Thompson an infant of the age of eleven years and upwards, Alice Amelia McGregor Thompson

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an infant of the age of nine years and upwards, and James Patten Thompson an infant of the age of six years and upwards; And whereas the said George Penny Dickson, John Coleman Griffith, and the said Lucretia Williams Thompson, the widow of the said testator Charles Thompson, have, by their petition, prayed for the enactments hereinafter contained, and it is expedient to grant the prayer thereof: Therefore, Her Majesty, by and with the advice and consent of the Legislative Council and Assembly of Canada, enacts as follows:

Executors of Will of Charles Thompson, authorized to sell or mortgage certain real estate to the said late Charles Thompson, belonging, and to have all powers necessary for that purpose.

1. From and after the passing of this Act it shall and may be lawful for the said George Penny Dickson and John Coleman Griffith, or the survivor of them, and the heirs, executors, or administrators of such survivor, or the trustees or trustee for the time being of the said Will, notwithstanding anything contained in the Will of the said Charles Thompson to the contrary, or not contained therein, as soon as conveniently may be, to sell or mortgage in fee or for a term of years, or partly to sell and partly to mortgage as aforesaid, for cash or upon credit, or partly for cash and partly credit, the fee simple and inheritance of the messuages, lands, tenements, hereditaments and real estate of the said Charles Thompson, deceased, forming the Summer Hill estate, comprising lot seventeen, in the second concession of the County of York, and lot twenty, in the third concession of the said County of York, in the Province of Canada, with their and every of their appurtenances, either entirely and altogether, or in parcels, and either by public auction or private contract, or partly by public auction and partly by private contract, with power to buy in the same at any sale, and to rescind any contract for sale of the said premises, or any part thereof, and to re-sell the same without being answerable for any loss which may happen thereby, and also with power to insert any special or other stipulations in any contract for or conditions of sale, either as to title or evidence of title or otherwise, and with power to execute, make, and do all such conveyances, surrenders, assurances and things for effectuating any and every such sale or mortgages as aforesaid as may be necessary or expedient, and to give and consent to all the ordinary and any special powers and authorities in such mortgages as to them or the survivor of them, or the heirs, executors or administrators of such survivor, or the trustees or trustee for the time being of the said Will, shall seem fit and requisite to carry into effect the objects of this Act, and also with power to agree or covenant to give in any mortgage to be executed by them or him, as such trustees or trustee, any per centage for the use of the money to be borrowed by them, as such trustees or trustee, as to them or him in their or his discretion shall seem fit, and also to agree to take and receive of any purchaser of them or him, as such trustees or trustee, of any of the lands by this Act authorized to be sold, such per centage per annum as they or he, in their or his discretion may, in any mortgage to be given to them or him, as such trustees or trustee, fix to be paid by any

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any such purchaser of them as aforesaid during the period of any credit upon which any hereditaments may be sold for the amount of unpaid purchase money, and every such conveyance, surrender and assurance so made by the said George Penny Dickson and John Coleman Griffith, or the survivor of them, or the heirs, executors, or administrators of such survivor, or the trustees or trustee for the time being of such Will, shall be as valid and effectual as if the said testator had executed such conveyances, surrenders, or assurances, and it is hereby declared that the said George Penny Dickson and John Coleman Griffith, and the survivor of them, and the heirs, executors, administrators and assigns respectively of such survivor, or the trustees or trustee for the time being of such Will, shall by and out of the moneys to arise from any sale or mortgages of the said real estate hereby authorized to be sold and mortgaged as aforesaid, pay first the funeral and testamentary expenses and debts of the said testator, Charles Thompson, in the due course of administration and according to their legal or equitable priorities; and secondly, to invest the residue of such moneys in the name or names of them, the said George Penny Dickson and John Coleman Griffith, or the survivor of them, or the executors or administrators of such survivor, or the trustees or trustee for the time being of such Will, in or upon any of the public securities, or in the stocks of any of the incorporated banks, or at interest upon real securities in the Province, with power from time to time, or at any time, to alter, vary, or transpose such securities into or for others of the same or a like nature, at their or his discretion; And the said George Penny Dickson and John Coleman Griffith, or the survivor of them, or the heirs, executors or administrators of such survivor, or the trustees or trustee for the time being of such Will, shall stand and be possessed of and interested in the said trust moneys, stocks, funds and securities, and the interest, dividends, and annual produce thereof, upon trust to pay the income and proceeds thereof to the person or persons for the purposes and in the manner to whom but for the enactments herein contained, the rents and profits of the said Summer Hill estate would have been payable or applicable under the trusts contained in the Will of the said testator, Charles Thompson, deceased; and to pay and divide the corpus of the said trust moneys, stocks, funds and securities, unto, amongst and between the persons who, and at the time when, but for the enactments herein contained, would or might have become entitled to a share or shares in the said Summer Hill estate under any partition or division which would have been made in pursuance of such trusts.

Proceeds to be invested in certain securities.

Receipts of the two Executors to be sufficient discharge for purchase money of property or of securities.

2. The receipt or receipts in writing of the said George Penny Dickson and John Coleman Griffith, or the survivor of them, or the heirs, executors or administrators of such survivor, or of the trustees or trustee for the time being acting in the execution of the trusts of the Will of the said testator, Charles Thompson, for the purchase money of any property hereby authorized

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authorized to be sold, or for any moneys raised by way of mortgage authorized by this Act, or for any moneys, stocks, funds or securities, paid or transferred to them or him under the authority of this Act, or in the execution of any of the trusts of the Will of the said testator, Charles Thompson, deceased, shall be an effectual discharge or effectual discharges for such purchase or mortgage, or other moneys, stocks, funds or securities; And the person or persons to whom the same shall be given, his, her or their heirs, executors, administrators or assigns, shall not afterwards be answerable or accountable for any loss, misapplication or non-application of such purchase or mortgage, or other moneys, stocks, funds or securities, or be in anywise obliged or concerned to see to the application thereof.

Parties receiving some not bound to see to application of such purchases.

3. On any sale or mortgage made under the provisions of this Act, the surplus of the money, after payment of the funeral and testamentary expenses and debts of the said testator, Charles Thompson, which shall remain in the hands of the said George Penny Dickson and John Coleman Griffith, or the survivor of them, or the executors or administrators of such survivor, or the trustees or trustee for the time being of the said Will, and the stocks, funds and securities upon which such surplus shall or may be from time to time invested, shall be considered for the purpose of devolution, of the same nature and character as the estate sold or mortgaged, and the heirs of the party or parties through whom title may have to be claimed, who would, in the ordinary devolution of the estate if the same had not been converted and changed from realty into personalty, have become entitled to some interest in the same as realty, after the discharge or failure of any of the trusts of the Will of the said testator, Charles Thompson, shall have the like interest therein as they would have had in the estate sold or mortgaged under the authority of this Act, if no sale or other disposition had been made thereof.

Proceeds for purpose of devolution to be considered of nature of estate sold or mortgaged.

4. In order to insure the raising of the actual amount which may be required for the payment of the funeral and testamentary expenses and debts of the said testator, Charles Thompson, it shall and may be lawful for the said George Penny Dickson, and John Coleman Griffith, or the survivor of them, or the executors or administrators of such survivor, or the Trustees or Trustee for the time being of the said Will, and without the necessity of any other person or persons whatever joining in the same, absolutely to sell and dispose of all and every or any of the mortgages which the said George Penny Dickson and John Coleman Griffith, or the survivor of them, or the Trustees or Trustee for the time being of the said Will, may take from any purchasers of the hereditaments hereby authorized to be sold, at such prices and subject to such abatements by way of discount from the par value of the same, as to them or him, in their or his discretion shall seem fit; Provided always, that the moneys so to be raised by them or him by sales, and disposition of such mortgages or any of them shall be held by them

Executors may dispose of mortgages taken by them upon such terms as they may think proper.

Proviso.

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or him upon the same trusts, and for the same ends, intents and purposes, and be applied and disposed of in the same way and manner as are by this Act declared, of the moneys which may arise from the sale or sales, mortgage or mortgages of the lands, tenements and hereditaments by this Act authorized to be sold and mortgaged as aforesaid.

Right of Mrs. Thompson to dower, &c., not to be affected.

5. Nothing in this Act contained shall prejudice or deprive, or be construed to prejudice or deprive the said Lucretia Williams Thompson of any right, title or interest she now has or may have in or to dower of and in the lands and hereditaments aforesaid.

Conditions upon which Charles Thompson, the son, may become a Trustee.

6. The powers and interests herein given to the said George Penny Dickson and John Coleman Griffith for the purposes in this Act expressed, shall be shared in and jointly executed with them by the said Charles Thompson, the son of the said testator, whenever under the provisions of the codicil to the Will of the said testator, his said son shall become a trustee of the property of the said testator, and accept probate of the said Will and codicil; And in order to constitute the said Charles Thompson a co-trustee with the said George Penny Dickson and John Coleman Griffith, for the purposes of this Act, no conveyance, assurance or device shall be necessary or requisite beyond the performance of the conditions set forth in the Will of the said testator, and the acceptance of probate of the said Will and codicil by the said Charles Thompson, the son; whereupon, but not till then, he shall, for all the purposes of this Act, be a joint trustee with the said George Penny Dickson and John Coleman Griffith, for the purposes of this Act; And every new trustee to be hereafter appointed under the provisions of the Will of the said testator or otherwise, to act in the performance of the trusts of his said Will, shall, from and after such appointment, be also trustee with the continuing of other trustees, if any, of the said Will, for the purpose of carrying into effect the ends, interests and purposes of this Act, and no conveyance, assurance or device shall be necessary to effectuate such appointments to the trusteeship for the purposes of this Act.

New Trustees.

Public Act.

7. This Act shall be deemed a Public Act.

CAP. CXXX.

An Act to authorize Theophilus Cushing to construct a Boom or Booms extending from the main land to the *Isle du Curé de Repentigny*, on the north side of the River St. Lawrence.

[*Assented to 4th May*, 1859.]

Preamble.

WHEREAS Theophilus Cushing, of the Parish of Repentigny, in the County of L'Assomption, Lower Canada, Lumberman, has represented by his Petition to the Legislature, that

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that he is about to erect a steam saw mill at a cost of about twenty thousand dollars, on the bank of the St. Lawrence, nearly opposite to the Church in the said Parish of Repentigny; And whereas he has prayed by his said Petition to be authorized, he, his heirs and successors, to place a Boom or Booms across the passage from the main land to the Island opposite belonging to the *Curé* of Repentigny, and called in the said Petition "Labelle Island," and to erect and maintain the necessary Piers to support the same, for the purpose of securing and retaining mill logs; And whereas the said Theophilus Cushing has moreover shown that the construction of such works will in no degree impede the navigation of the St. Lawrence: Therefore, Her Majesty, by and with the advice and consent of the Legislative Council and Assembly of Canada, enacts as follows:

Cushing may make his booms at Labelle Island.

1. The said Theophilus Cushing, his heirs and assigns, is and are hereby permitted and authorized to place a Boom or Booms across the passage aforesaid from the main land to the said Island opposite belonging to the *Curé* of Repentigny, called "Labelle Island," and to erect and maintain the necessary Piers to support the same, for the purpose of securing and retaining mill logs; Provided that this Act shall not give to the said Theophilus Cushing, his heirs or assigns, any right to overflow by means of the said booms the lands of any other person, or in any way to injure the same without the consent in writing of the proprietors or occupiers thereof, and shall not in any way affect or prejudice the rights of such proprietors or of any other party for damage occasioned by such booms.

Proviso: he shall be responsible for all damages done by them.

Act not to affect other parties.

2. This Act shall not affect the rights of other parties acquired by Notarial Deeds or otherwise.

Cushing may sue those who injure his booms.

3. The said Theophilus Cushing, his heirs and assigns may, under this Act, maintain an action against any party who shall break, destroy or injure the said booms, or who shall in any wise prevent the use or enjoyment thereof by the owner or owners thereof.

Public Act.

4. This Act shall be deemed a Public Act.

CAP. CXXXI.

An Act to authorize Dame Ann Corse to erect and maintain an enclosed Iron Gallery across Fortification Lane, in the City of Montreal.

[*Assented to 4th May,* 1859.]

Preamble.

WHEREAS Dame Ann Corse, of the City of Montreal, the widow of Henry Corse, Esquire, claims to be the owner and proprietor of the Saint Lawrence Hall, in Great

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Saint James Street, in that City, and of the extensive lot of land immediately in rear thereof, having its front on Craig Street and extending to Fortification Lane; And whereas the said Ann Corse petitioned the Mayor, Aldermen and Citizens of the said City of Montreal, stating that she purposed to erect a building upon the lot of land above referred to, and to connect the said buildings by an Iron Gallery across the said lane called Fortification Lane, and prayed the said Corporation to permit her to erect and maintain, from time to time, and when necessary to repair or rebuild an enclosed Iron Gallery across the said lane called Fortification Lane, to connect the second or third story of the said house known as the Saint Lawrence Hall with such contemplated building on the opposite side of the said Lane; And whereas a Committee of the said Corporation to whom the said petition was referred, reported upon the same, and recommended that the permission asked for should be granted by the said Corporation to the said Ann Corse, subject to certain conditions hereinafter contained and enacted; And the said Corporation adopted the said report in Council, on the second day of February, one thousand eight hundred and fifty-nine; And whereas the said Ann Corse hath petitioned Parliament, and prayed for legislative sanction to the said permission so granted to her by the said Corporation, and it is expedient to grant the prayer of her petition: Therefore, Her Majesty, by and with the advice and consent of the Legislative Council and Assembly of Canada, enacts as follows:

Ann Corse may erect a gallery across the said lane.

1. The said Ann Corse and her heirs may erect and maintain, and from time to time, when necessary, repair or rebuild an iron enclosed gallery across the said lane called Fortification Lane, in the said City of Montreal, and thereby connect the second or third story of the house known as the Saint Lawrence Hall, in the rear thereof on Fortification Lane, with any building which she or they may erect upon the said lot of land hereinbefore mentioned, and owned or claimed to be owned by her as aforesaid, immediately in the rear of the said house known as the Saint Lawrence Hall, which said lot of land has its front on Craig Street, and extends to the said Fortification Lane.

Description of the gallery;

2. The said gallery shall be at least ten feet in height and not more than twelve feet in breadth, and the floor thereof shall not be less than twenty feet above the surface of the said lane called Fortification Lane, and the said Ann Corse, or her heirs, or the owners for the time being of the said gallery, shall always, at their own expense, provide and suspend therefrom externally, a Gas Lamp with a sufficient supply of gas—to be approved of and kept lighted from time to time, as may be required by the said Corporation of Montreal.

To be lighted.

3.

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3. Nothing in this Act contained shall deprive or be construed to deprive any proprietor or proprietors, tenant or tenants of property in the said lane called Fortification Lane, of his or their or any of their rights, claims or remedies for the recovery of compensation for any damage which the erection and maintenance of the said gallery shall cause to them or any of them.

Act not to affect claims for damages.

4. This Act shall be deemed a Public Act.

Public Act.

TORONTO :—Printed by S. DERBISHIRE & G. DESBARATS,
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